

# JOURNAL

OF THE

CALLED SESSION

OF THE

House of Representatives

OF THE

STATE OF ALABAMA,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING JANUARY 14, 1861.

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WITH AN INDEX,  
PREPARED BY THE SECRETARY OF STATE.

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# JOURNAL.

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MONTGOMERY, ALABAMA, }  
Monday, January 14th, 1861. }

## PROCLAMATION.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., December 24th, 1860. }

WHEREAS, The General Assembly of the State of Alabama, at its last session, by joint resolution, required the governor, in the event a black republican should be elected President, to issue his proclamation ordering elections to be held for delegates to a convention of the state:

And whereas, The contingency contemplated has happened, and an election of delegates to a convention of the state has been ordered, an extra session of the General Assembly has become necessary to provide for such exigencies as may arise, under the action of said convention or otherwise:

Now, therefore, I, ANDREW B. MOORE, Governor of the State of Alabama, by virtue of the powers in me vested, do hereby proclaim and make known that an extra session of of the General Assembly of the State of Alabama will be held on *Monday, the fourteenth day of January next*, and the senators and representatives of the several counties are hereby notified and required to assemble on that day at the capitol, in the city of Montgomery, and organize as required by the constitution and laws, for legislative action.

Given under my hand and the great seal of  
[L. s.] the state, affixed in the city of Montgomery,  
this 24th day of December, A. D., 1860.

A. B. MOORE.

By the Governor:

P. H. BRITTAN, Sec'y of State.

This being the day designated by the governor in his proclamation, to-wit: Monday, the fourteenth day of January, 1861, for the meeting of the General Assembly of the State of Alabama, Mr. Speaker Meek, at the hour of 12 M., took the chair and called the House to order.

The roll was called and the following members answered to their names:

Messrs. Speaker, Abney, Aldridge, Barlow, Bell, Bibb, Bradley, Brooks, Burgess, Bush, Carlisle, Carter, Carey, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jack, Knox, Lane, Latham, Lloyd, Lowe, Mabry, Martin, McMurray, Neal, Overall, Parsons, Rice, Scott, Seale, Shepard, Slater, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Wright.

The presence of Messrs. Cunningham of Cherokee, and Millsap was announced by Mr. Cooper.

The presence of Messrs. Lyon of Marengo, Van De Graaff of Sumter, and Powell of Tuscaloosa, was also announced.

On motion of Mr. Clitherall, Mr. Hooker was appointed door keeper *pro tem*.

On motion of Mr. Cooper, the Speaker appointed Messrs. Cooper and Clitherall to request the presence of a Supreme Court Judge to administer the oath to new members present.

Mr. Walker moved to adjourn until 10 o'clock to-morrow, which motion Mr. Walker subsequently withdrew.

Mr. Hale moved to adjourn until 3 o'clock P. M.

Mr. Starke moved to adjourn until 10 o'clock A. M., which motion was lost.

The question then was upon Mr. Hale's motion, which he withdrew at the suggestion of Mr. Clitherall.

Mr. Clitherall moved to adjourn until 10 o'clock to-morrow morning, and the motion prevailed.

TUESDAY, January 15, 1861.

House met pursuant to adjournment. The Journal of yesterday was read, corrected and approved.

Mr. Rice offered the following resolution:

WHEREAS, The words the "Constitution of the United



States and," as the same appear in the 1st Section of the 6th Article of the Constitution of the State of Alabama, is impliedly repealed by the Ordinance of Secession lately passed by the delegates of the people of said state in convention assembled: Therefore,

*Resolved*, That the words so repealed should be omitted, and left out of any oath to be administered to any member or officer of this House. Adopted.

Messrs. Cunningham of Cherokee, Lyon of Marengo, Millsap of Cherokee, Powell of Tuscaloosa, and Van de Graaff of Sumter, appeared within the hall of the House, were qualified and took their seats.

Mr. Starke moved that the House proceed to the election of a door-keeper.

Mr. Cooper moved to amend as follows: "Until the present door-keeper arrives, and upon which motion demanded the yeas and nays. Lost.

AYES—Messrs. Speaker, Aldridge, Burgess, Carlisle, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Flake, Forney, Griffin of Marshall, Hearin of Clarke, Hobbs, Hudgins, Jack, Jones, Lane, Lloyd, Lowe, McMurray, Meadows, Millsap, Slater, Van De Graaff, and Walden of Coosa.

NAYS—Messrs. Abney, Adams, Barlow, Bell, Bibb, Bowen, Bradley, Brooks, Bush, Calhoun, Carter, Carey, Clayton, Clitherall, Coleman, Cunningham of Macon, Dark, Davidson, Davis, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Herrin of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Huckabee, Humphries, Irby, Knox, Latham, Lyon, Mabry, Martin, Neal, Overall, Parsons, Scott, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Warren, White, Wright.

The House proceeded to the election of a door-keeper.

Mr. Clitherall placed in nomination the name of Stephen Hooker, of Montgomery.

Mr. Griffin, of Marshall, placed in nomination the name of John Jones, of Montgomery.

Those who voted for Mr. Hooker are:

Messrs. Speaker, Abney, Adams, Aldridge, Barlow, Bell, Bowen, Bradley, Brooks, Bush, Calhoun, Carlisle, Carter, Cary, Clayton, Clitherall, Dark, Davidson, Davis, Flake, Forney, Goldsmith, Griffin of Dale, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Huckabee, Irby, Jack, Jones, Knox, Lane, Lowe, Lyon, Mabry,

Martin, Neal, Overall, Parsons, Powell, Scott, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Van De Graaff, Walden of Morgan, Walker and White—54.

Those who voted for Mr. Jones are :

Messrs. Bibb, Burgess, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Ferrell, Fielder, Fountain, Griffin of Jackson, Griffin of Marshall, Hightower, Hobbs, Hudgins, Humphries, Latham, Lloyd, McMurray, Meadows, Millsap, Rice, Slater, Walden of Coosa, and Wright—27.

Mr. Hooker, having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected door-keeper of the House of Representatives for the term prescribed by law. He was qualified and entered upon the discharge of his duties.

On motion of Mr. Starke, the House proceeded to the election of an engrossing clerk.

Mr. Ferrie Henshaw alone being in nomination, and having received all the votes given, to wit, seventy-nine, was declared by Mr. Speaker to have been duly and constitutionally elected engrossing clerk of the House of Representatives for the term prescribed by law. He was qualified and entered upon the discharge of his duties.

Message from the convention.

Mr. Speaker, I am instructed to transmit the following ordinance.

F. L. SMITH,  
Assistant Secretary.

### AN ORDINANCE.

To change the Oath of Office in this State.

*Be it ordained and declared, and it is hereby declared and ordained by the people of the State of Alabama in Convention assembled, That the 1st Section and 6th Article of the Constitution of the State of Alabama be amended by striking out of the 5th line of said section the words "Constitution of the United States, and the" after the word "the," and before the word "constitution" where they occur.*

*And be it further ordained, as aforesaid, That all officers in this State are hereby absolved from the oath to support the Constitution of the United States heretofore taken by them.*

WM. M. BROOKS,

President of the Convention.

F. L. SMITH, Assistant Secretary.

Which ordinance, on motion of Mr. Parsons, was ordered to be spread upon the journals of the House.

Mr. Hale offered the following resolution, which was adopted :

*Resolved*, That the speaker appoint the following standing committees, in lieu of the committees appointed at the last session :

1. A committee on the Judiciary.
2. A committee on Ways and Means.
3. A committee on Foreign Relations.
4. A committee on Commerce.
5. A committee on Military Affairs.
6. A committee on Postal Arrangements.
7. A committee on Banks, Banking and Currency.
8. A committee on Internal Improvements.
9. A committee on Accounts.
10. A committee on State Printing.
11. A committee on Enrolled Bills.
12. A committee on Divorce and Alimony.
13. A committee on State Capitol.
14. A committee on Penitentiary.
15. A committee on Education.
16. A committee on Propositions and Grievances.
17. A committee on Corporations.

On motion of Mr. Walker, the Senate was informed that the House of Representatives had organized and was ready to proceed to business.

Mr. Irby offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed to act with a like committee on the part of the Senate to wait on his excellency the governor, and inform him that the House was now organized and ready to proceed to business.

Messrs. Irby, Smith of Lauderdale, and Overall composed the House committee.

Mr. Walker introduced a bill for the organization of the army of Alabama, which was read first and second times under a suspension of the constitutional rules, and two hundred and fifty (250) copies ordered to be printed, and referred to Military committee, when raised.

Mr. Speaker laid before the House sundry records of divorce, which were referred to committee on Divorce and Alimony, when raised.

Mr. Hale introduced a bill to raise money to provide for the military defence of the State of Alabama, which was

read first and second times under suspension of the rules and referred to committee on Ways and Means, when raised.

On motion of Mr. Parsons, two hundred and fifty copies were ordered to be printed.

Mr. Lowe offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of passing a bill making the money of all chartered banks of this state whose assets are equal to their liabilities receivable in payment of taxes and all other public dues, and report at the earliest practicable moment by bill or otherwise. Adopted.

Mr. Lyon offered the following resolution, which was adopted :

*Resolved*, As the sense of this House, that the legislation of the present session ought to be mainly confined to matters rendered necessary by the action of the convention of the people now in session, and that the delay and expense growing out of ordinary local legislation ought to be avoided as far as may be consistent with the public good.

Mr. Powell offered the following resolution, which was adopted :

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of passing a law to require all free persons of color to leave the state within a limited time, and that said committee report by bill or otherwise.

Mr. Rice introduced a bill to repeal in part Section 2398 of the Code, so far as the same relates to townships; which bill was read first and second times under suspension of the constitutional rules and referred to the Judiciary committee, when raised.

Mr. Herman offered the following resolution, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of reporting a bill legalizing the suspension of the laws of execution until the 1st of March, 1862.

Mr. Walden, of Morgan, introduced a bill to provide for the payment of the officers and members of the General Assembly of the called session, begun and held on the 14th day of January, 1861. Read first and second times under suspension of the constitutional rules.

Mr. Clitherall moved to amend by striking out the 2d section of the bill.

Mr. Mabry moved that the bill and amendment be referred to the committee on Ways and Means, when raised. Carried.

Mr. Walden moved that the House take a recess until 12 o'clock. Carried.

At the hour of 12 o'clock M. the Speaker called the House to order.

Mr. Clitherall offered the following resolution :

*Resolved*, That the door-keeper be instructed to have a new covering placed upon the floor of the rotunda.

Mr. Herman moved to lay the resolution on the table. Carried.

Message from the Senate by Mr. Dixon, Asst. Secretary.

Mr. Speaker. The Senate has adopted the following resolution :

*Resolved*, That the House of Representatives be informed that the Senate is now organized and ready to proceed to business; that a committee of three be appointed by the Senate to act with a like committee on the part of the House to wait upon the governor and inform him that the two houses were organized and are now ready to proceed to business. Messrs. Bullock, Jackson and Walker composed Senate committee.

M. TAUL,  
Secretary of Senate.

Mr. Irby, from Joint Committee to wait upon the Governor, reported that the committee had performed its duty, and that the Governor would transmit a communication in writing at once.

Message from the governor.

Mr. Speaker, I am instructed by his excellency, the governor, to deliver to the House of Representatives the accompanying message.

WATKINS PHELAN,  
Private Secretary.

EXECUTIVE DEPARTMENT, }  
MONTGOMERY, ALA., January 14, 1861. }

*Gentlemen of the House of Representatives :*

Events of the utmost moment have rendered it necessary that your body should be assembled. At the last session of the General Assembly, Joint Resolutions were adopted, making it my duty, in the event of the election of a President by the Black Republican party of the United States, to issue

my proclamation to the qualified voters "to elect delegates to a convention of the State, to consider, determine and do whatever, in the opinion of said convention, the rights, interests and honor of the State of Alabama required to be done for their protection."

The result of the election, by the popular vote, clearly manifested the certainty of the election of their candidate by that party, and on the 6th day of December, 1860, he was elected by a majority of the electoral vote of the United States. The contingency provided for in the Joint Resolutions having occurred, I felt it my duty to obey their instructions at the earliest moment afterwards, and on the 7th day of December, 1860, issued my proclamation accordingly, and also issued to the Sheriffs of the several counties in the State, the necessary writs of election, to be held on the 24th day of December last.

Before this convention assembled, great and important changes had taken place in public affairs, and especially in some of the Southern States. South Carolina, acting under a sense of the common wrong and threatened danger to her sister slaveholding States, in the exercise of her sovereignty, in a convention of her people, on the 20th day of December, 1860, repealed the ordinance by which she ratified the Constitution of the United States, as the compact of Union between herself and the other States, and resumed all the powers which, by that compact, she delegated to the Government of the United States. Florida, Mississippi, Georgia, Texas and Louisiana, also called conventions of their people, to consider of the exigencies pressing upon them—and the two first have followed the example of South Carolina, and withdrawn from the union with the United States, and there can be no question that the others will do the same.

The action of the people of Alabama in their convention, in withdrawing from the Federal Union, is already known to you. This exercise of the sovereign power of the State, "to protect the rights, interests and honor" of her people, in my opinion, must be regarded as one of wisdom, and indeed of political necessity. The rights of the State, and the interests of her citizens, were no longer protected in the Union, and unless it was determined to abandon all hope of their preservation, no other resource was left than to withdraw from the Union, and throw off a government that failed to secure them.

Whatever differences of opinion may have existed as to the proper course of the State, it gives me pleasure to say

that I have the strongest assurances that they will all cease, and that all the citizens of the State, in obedience to this organic law of the sovereign power, will sacrifice their objections on the altar of their country, and with one heart, sustain the State in this great movement of deliverance and liberty. I believe it will require all the courage, fortitude and patriotism of her sons to meet and overcome the approaching storm; but I have an abiding confidence that they will prove themselves equal to the emergency, and deserving the great destiny that awaits them in the future. The events that occurred in the harbor of Charleston, after the secession of South Carolina, are matters of history. The accounts received from Washington, all tended to induce the conviction that the Government of the United States intended to adopt a system of coercion against all the States that might secede from the Union. Gov. Brown, of Georgia, acting upon this belief, seized upon Fort Pulaski, at the mouth of the Savannah river, in the name of the State of Georgia, and telegraphed me of that event. Satisfied that the State of Alabama would not remain in the Union, and in view of the indications of intention on the part of the Federal Government to coerce the seceding States, I could no longer hesitate as to the course my duty to the State required me to pursue. I could not wait until that Government had thrown troops into the Forts commanding the entrance into the harbor of Mobile, and thus place that city and the State at the mercy of the ships of war of the United States. To regain possession of these posts would have cost the State thousands of treasure, and the best blood of her sons. There were in the Arsenal of the United States, at Mount Vernon, on the Alabama river, a large supply of powder and small arms, which might be used against the State. Acting under these considerations, I transmitted orders by telegraph, on the night of ——— January, to ——— ———, at Mobile, to take possession of Forts Morgan and Gaines, at the mouth of Mobile Harbor, and of the Arsenal at Mount Vernon, with all their arms, ammunition and equipments, and hold them in the name of the State of Alabama. It gives me pleasure and pride to make known the gallantry and promptitude with which this order was responded to, by the officers and men selected for that purpose. The dispatch was sent from this place at 9 A. M., and the Forts, forty miles from Mobile, were taken possession of on the next night; and the Arsenal, some fifty miles from Mobile, was seized about daylight next morning, and they are now held in the name of

this State, by her volunteer troops. In the Forts were some hundred cannon—thirty-two and twenty-four pound guns; and in the Arsenal about 22,000 stand of small arms, and one hundred and fifty thousand pounds of powder. Of the small arms, about two thousand were Mississippi rifles, and the remainder muskets. I directed the officers in command at these posts to make out an accurate inventory of the arms and materials thus obtained. As soon as I was informed that these posts were in the possession of the troops of the State, I communicated the facts to the President of the United States, with a summary of the reasons which induced my action, to which he has not replied. If more specific information of the arms and conditions of the Forts is desired, I will furnish it with pleasure.

Early in December last I was urged to convoke the Legislature for the purpose, among others, of authorizing the banks of the State to suspend specie payments, in order to relieve the community in their embarrassed condition. I declined, at that time, to do so, for the reasons stated by me in an address to the people of the State, a copy of which address is hereto attached; and to which I beg to call your attention. In view of the condition of the State, and the absolute necessity of her having money, on her secession—and which event I confidently anticipated—I made arrangements with the two banks in Mobile, the Commercial Bank at Selma, the Central Bank at Montgomery, and the Eastern Bank at Eufaula, that they should, if required by the Legislature, furnish to the State a loan of one million of dollars, in specie or its equivalent.

I requested and urged upon them to suspend payments of specie for the purpose of furnishing the sum designated to the State, and to relieve the community, as far as possible, by such assistance as they would then be able to give. This amount of one million is to be advanced by the several banks, in proportion to their respective capitals. The two banks at Mobile agreed to advance a proportional part of the above sum, but declined to suspend. The Commercial Bank, the Central Bank, and the Eastern Bank, agreed to advance their respective proportions, and suspended specie payments, upon my promise to institute no proceedings against them, and to urge upon the General Assembly the propriety of its sustaining such suspensions. The circumstances under which these latter banks acted, and the motives which prompted them, commend their conduct to the approval of every patriotic citizen of the State, and I earnest-



ly suggest that the Legislature, by legal enactments, sanction their suspension. I would further recommend that the other banks of the State be severally authorized to suspend on lending to the State in specie, or its equivalent, a sum in proportion to their respective capitals, of like amount with that agreed to be furnished by the first named banks, and to be secured in like manner.

In the important change of the condition of the State, other and more enlarged duties devolve upon you for consideration. From all the indications it is to be inferred that this State must maintain her sovereignty and independence by force of arms. The Government of the United States, in its infatuation, seems determined to use force against some or all of the seceding States. Alabama cannot expect to escape while her sister States are subjected to this last argument of Kings. Even if no hostile demonstration was made against her, it would not become her dignity or honor, or interest to stand by and see the power of the Government of the United States used to crush a single slaveholding State. The instincts of self-preservation would compel Alabama to aid such slaveholding State engaged in the same cause, and, having the same destiny, with all the means in her power. We desire peace with all the world, and especially with the Government of the United States and the other States composing the United States. To obtain permanent peace and security of our rights we withdraw from the Union; but the best way to obtain these is to be prepared for war, and, if the dread alternative is presented, not to shrink from the contest, but, meeting it as freemen, leave the consequences to that Being who holds in His hands alike the destiny of men and nations.

I would recommend, then, that the State of Alabama be placed, at as early a period as practicable, upon the most efficient war footing. The first requisites of this condition are, money, men and arms. I have already indicated that a loan of one million of dollars has been secured from the banks. I would recommend that you adopt the necessary steps to have this agreement consummated. I would further recommend that the State borrow another million of dollars, on her bonds in sums of five hundred and one thousand dollars each, bearing interest at eight per cent., with the interest payable annually, and to be sold within the State at par—the bonds payable in not less than ten years. I would also advise that executors, administrators, guardians, and all other trustees having trust funds to invest, be authorized to

invest such funds in these bonds. Not only will these securities be sought after for investment, but thousands of patriotic hearts, who have not the ability of the noble sons of South Carolina to make gratuitous contributions, will thus be enabled to throw in their mite for the support of the same glorious cause.

I would also suggest that the General Assembly make provision for raising, arming and officering a regular force of troops of the State, and adopt such army regulations therefor as may be necessary. The regulations for the army of the United States might form a basis for the system. Enlistments for twelve months, two years, or to the close of hostilities, might be adopted, to be ended when the necessity for their services shall cease. In the latter case it might be well to provide, when they are discharged, for a bounty to be paid them.

The mode of furnishing officers for such a force is one of some difficulty. Whether the commissioned officers should be selected by the men over whom they are to exercise command, or be appointed in some other way, I leave to the wisdom of your bodies. But I would recommend where companies, battalions or regiments, offer their services as such, to serve for the time specified in the regulations, that they be allowed to select their own commissioned officers.

In making this suggestion for a regular force, I am not to be understood as expressing a want of confidence in the patriotism of our militia, and especially the volunteers. Their bravery and patriotism have been too well established to entertain a doubt that they would acquit themselves, on all proper occasions, in such manner as to add increased honor to their achievements in the field. Experience has proved, that however efficient such troops are for sudden occasions or short campaigns, it will not do to rely upon them to sustain a long, protracted contest. The greatest difficulties experienced by General Washington in the Revolutionary war, and by General Jackson in his Creek campaigns, arose from the expiration of the term of service of the militia under their commands. Moreover, it is probable that the principal service demanded by the State from her troops will be in garrison, and he who has seen service of that character knows how tedious and irksome such a life is to the citizen soldier.

As to the various appropriations, and mode of disbursing the sums raised on the bonds of the State, I leave that to your consideration. In connection with the above subjects,

I cannot too earnestly impress upon you the importance of the appointment of a Military Board. With my inexperience in military affairs, and the inefficient military organization of the State, such a body is imperatively demanded in the present exigency. I am too sensible of my deficiency in military matters to make any suggestion as to the power and duties of such a board, but you have in your bodies military men who understand and can define the necessary extent of their powers. I would, however, recommend that it consist of four persons, to be selected by the Legislature, or in such other manner as may be deemed best by you, with such rank and pay as would be commensurate with their duties.

The condition of many families of the poorer classes in the State demand consideration. That there will be much suffering and privation, and perhaps starvation, is greatly to be feared, unless some provision against these contingencies is made by the Legislature. After an anxious consideration on this subject, I would recommend that the Court of County Commissioners of each county be empowered to levy and collect a tax, in their several counties, for the purpose of raising funds to purchase food for their suffering population, and to appoint an agent to make the purchases. If it is found this tax cannot be collected in time for the relief of the suffering, then to pledge the public property of the county by mortgage or otherwise, for money to be borrowed for that purpose. But in no event is this public property to be disposed of, under such mortgage or other pledge, until ample time has been given for the collection of such tax; and, when collected, it shall be applied to the extinguishment of such debt of the county. The details of this measure I leave to your consideration.

I am compelled by the necessities of this department to suggest that the Governor have the authority to appoint two Secretaries. The duties devolving upon the office, at this time, leave the Executive no leisure but to direct. The correspondence is voluminous, and the duty of attending to that office is arduous. They should be paid a salary by the State quarterly, with power in the Executive, at the end of any quarter, to discharge them when their services should be no longer needed; or, when he thought necessary, to discharge such as he thought proper and appoint others in their stead.

I am also compelled to call your attention to the increase of the contingent fund. Under ordinary circumstances the

amount under the present law, at the control of the Executive, would be ample, but the present emergency requires that this sum of \$12,000 be increased, and I recommend that thirteen thousand dollars more be added, making this fund the sum of twenty-five thousand dollars.

At your last session the General Assembly made an appropriation for the purchase of arms and ammunition, under the direction of this department. I have purchased about nine thousand stand of small arms, ten brass rifled cannon (six pounders), and two Columbiads; twenty thousand pounds of lead, seven hundred kegs of powder, of twenty-eight pounds each, and one million five hundred thousand caps. The cannon have not yet arrived, but I am expecting them daily.

The convention, on the — inst., authorized me to dispatch troops from this State to aid the State of Florida in taking possession of the forts at the mouth of Pensacola harbor. Accordingly, on the — inst., I ordered three hundred men from Mobile by water, and dispatched five companies, under the command of Col. Lomax, by railroad from this place, to proceed to Pensacola. After the troops left here I received information that, on the night of the — inst., all the positions on the west side of Pensacola Bay were abandoned by the forces of the United States which had been concentrated at Fort Pickens on Santa Rosa Island. The occupation of this fort enables them to command the entrance to the bay and harbor of Pensacola; and, as the troops from Mobile were to approach by water, I directed them, by telegraph, to proceed no further in the expedition. The troops from this place arrived at Pensacola on the night of the — inst., and are now encamped there. If it should be deemed practicable they will aid in storming Fort Pickens, and, for that purpose, they remain there. I also had intelligence that a considerable force of ships of war and troops of the United States had been ordered to rendezvous at Pensacola, and probably to make a demonstration on the forts at the mouth of Mobile Bay or some other point in that vicinity. I therefore ordered five other companies to Mobile, to aid in defending whatever point may be assailed.

Your attention is called to the necessity of making some provision for the payment of the expenses of these expeditions.

In connection with the subject of placing the State in an efficient state to protect herself, I have a suggestion to make which I thought prudent to reserve for a separate and secret

communication, and which I am ready to make when your bodies are ready to receive it.

In closing this message I cannot but invoke the blessings of the Most High and Omniscient God upon all your deliberations, and that we may be saved from the horrors of war and enjoy the blessings of peace; that our liberties may be preserved, and that our beloved State may enjoy an uninterrupted career of prosperity and greatness.

A. B. MOORE.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., December 17, 1860. }

*To the People of Alabama:*

Strong appeals have been made to me, by many citizens from different sections of the State, to convene the Legislature for the purpose of providing the ways and means of protecting the interests and honor of the State in the impending crisis; and for the further purpose of authorizing the banks to suspend specie payments, to enable them to furnish greater facilities for moving the cotton crop, and thus relieve, to some extent, the embarrassed condition of the cotton market, and the people. These appeals were made by those whose opinions are entitled to the highest respect and are disconnected with the banks, either as directors or stockholders. After giving to the subject the fullest consideration, and viewing it in all its bearings, I determined not to convene the Legislature, for reasons which I will now give.

I did not doubt, and do not now, that the convention, to meet on the 7th January, will determine that Alabama shall withdraw from the present Union at an early day.

Should this contingency occur, it will be necessary forthwith to convene the Legislature, to provide for whatever the action of the convention may render necessary in the way of legislation. The imposition upon the State of the expense of the convention, and two extra sessions of the Legislature at this time, when economy is a matter of the highest consideration, ought to be avoided, if it could be done consistently with the public interests. If the Legislature could anticipate the action of the convention and provide for it, it would supersede the necessity of convening after the convention shall have acted; but this would be impossible.

It was my opinion that if I issued a proclamation calling an extra session of the Legislature, every one would believe that the object, in part, was to authorize the banks to sus-

pend specie payments. This would have caused an immediate run upon them, and would, in a great measure, have exhausted their specie and thus rendered them unable to aid the State in her emergency or relieve the people.

It appeared to me that these difficulties could be avoided by the banks and myself assuming responsibilities which never should be done under any other circumstances. I considered it a matter of the utmost importance that the specie in the vaults of the banks should be kept there, so far as it could be done, in order to aid the State in providing the means to sustain herself in the approaching crisis. It would be inexpedient at such a time to tax the people, and State bonds could not now be sold except at a great sacrifice. I considered it the duty of banks, upon whom extraordinary privileges had been conferred, to come to the aid of the State in her hour of need, and therefore determined to request them, at the same time, to suspend specie payments, and retain their specie for the benefit and security of the State, so far as might be necessary.

In this way a run upon the banks would be avoided, and they would remain in a condition to relieve the State from immediately taxing her people or selling bonds at a heavy discount, and render unnecessary an extra session of the Legislature before the meeting of the convention.

The extension of relief to the people in selling their cotton crops would follow as an incident. In consideration of the premises I addressed to each of the banks a letter, of which the following is a copy:

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., December 4, 1860. }

*To the President and Directors of the*

*Central Bank of Alabama, Montgomery, Ala.:*

GENTLEMEN: The peculiar and extraordinary state of public affairs and the interest of the State make it a matter of State necessity to retain in the vaults of the banks all the gold and silver in their possession.

From present prospects there can scarcely be a doubt that Alabama will secede from the Union before the 4th day of March next. Should that contingency occur, it will be necessary for the State to raise not less than a million of dollars in specie or its equivalent. Under the circumstances which surround us we could not sell State bonds, either in the North or in Europe, except at a ruinous discount, and it would be inexpedient to tax the people immediately for that

purpose. How, then, can the State secure the money that may be necessary in her emergency?

But one practicable plan now presents itself to my mind, and that is, to call upon the banks of the State to come up to her aid. The course of events, and the suspension of the South Carolina and Georgia banks, will create more or less uneasiness in the minds of bill-holders, and will induce many of them to draw the specie from the banks to the extent of the notes they may hold, and thus render the banks unable to aid the State, as they otherwise could do.

I am strongly urged from various parts of the State to convene the Legislature, for the purpose of authorizing the banks to suspend specie payments, and thus enable them to retain their specie for the purpose suggested.

I have reflected much and anxiously upon the subject. I am satisfied, were I to convene the Legislature for the purpose stated, that it would produce a run on the banks, and, in a great measure, exhaust their specie and defeat the object I have in view.

With a view, then, of enabling the banks to retain their specie for the purpose aforesaid, I deem it my duty, under the circumstances, to advise and request them to suspend, all at the same time.

The high and patriotic motives which would induce the act would sustain the banks and me. There can be no doubt that the convention and legislature, soon to meet, will sustain and legalize the act. I will sanction it, and will institute no proceedings against them; and, in my message to the legislature and convention, will urge them to sanction the act, which I am sure they will do.

If need be, after the suspension, I will write an address to the people of the State, stating the facts and circumstances under which the step was taken. I am satisfied that the banks are in a sound condition and can maintain it through the present crisis, but it will render them unable to give the State that aid she will need.

I have written similar letters to all the banks. The contents of this communication are respectfully submitted to your consideration.

Very respectfully, your obedient servant,

A. B. MOORE.

At my suggestion and request, and for the purposes stated in my letter, the Commercial Bank at Selma, the Central Bank at Montgomery, and the Eastern Bank at Eufaula,

suspended this day. It is due to those banks that I should say (being advised of their condition) that they are able to sustain themselves through the crisis, and that they have taken this important step with the high and patriotic motive of sustaining the State, as shown by the response of each of them to my letter. Their letters are filed in my office, and would have been published but for the length they would give this communication.

There is no necessity for any depreciation in their notes, as there can be no question of their solvency.

The circumstances under which they have suspended should relieve them from any censure. If censure is to fall upon any one it should be upon me, and I rely for my justification upon the manifest propriety and necessity of the act as well as the motives which induced it. The Bank of Mobile and the Southern Bank of Alabama declined to suspend, but patriotically pledge themselves to raise their proportion of the amount suggested in my letter should there be a necessity for it. These two banks, being located in Mobile, can procure specie and exchange with more facility than the banks in the interior, and are not so liable to be prejudiced by the suspended banks of South Carolina and Georgia. Hence their ability to aid the State without suspending specie payments.

The Northern Bank at Huntsville also declines to suspend, on account of peculiar circumstances which surround it.

I have now briefly stated the circumstances and facts connected with the suspension of three of our banks, in accordance with the promise contained in my letter, and hope they will be satisfactory to the enlightened and patriotic people of Alabama, for whose benefit this great responsibility has been assumed.

A. B. MOORE.

Mr. Rice offered the following resolution, which was unanimously adopted :

*Resolved*, That the House cordially sanction the patriotic and manly course of the Governor of Alabama, disclosed in his message ; that the sentiments and views announced in that message are entitled to the approval of a people determined to be free ; and that five thousand copies of the message be printed.

On motion of Mr. Walker, a committee of three was appointed to wait upon the Governor and announce that the House was ready to receive any secret message that he might transmit to that body, and that the hall and gallery be now



cleared. Messrs. Walker, Jack, and Tait of Wilcox, composed said committee.

Mr. Clayton offered the following resolution :

*Resolved*, That when this House shall go into secret session, every person shall be excluded from the hall of the House for the time being, except the members thereof and the principal clerk, and that each member and the principal clerk shall be regarded as under an injunction of strict secrecy as to what may occur during such secret session, and that the door-keeper occupy a station outside of the door of the hall, and that he, also, be placed under the injunction of secrecy.

Mr. Irby offered the following resolution as a substitute for the resolution of Mr. Clayton :

*Resolved*, That in all cases where it may be deemed necessary by the House to go into secret session, the members as well as the officers of the House be required to keep the proceedings secret until the injunction of secrecy shall have been removed.

After some discussion upon the subject, Mr. Irby withdrew it.

Mr. Gilchrist renewed it, and the substitute was adopted :

Mr. Walker reported from committee to wait upon the Governor, &c., that he would send his secret message to the House on to-morrow.

Mr. Clitherall moved that the pages stay outside the hall while the House was in secret session. Carried.

On motion of Mr. Irby, the House adjourned until 10 o'clock to-morrow.

WEDNESDAY, January 16, 1861.

House met pursuant to adjournment. Journal of yesterday read and approved.

Mr. Speaker laid before the House sundry records of divorce, which were referred to committee on divorce and alimony.

The following message from the Governor was received through Mr. Watkins Phelan, private secretary of the executive.

EXECUTIVE DEPARTMENT, }  
MONTGOMERY, ALA., January 16, 1861. }

*Gentlemen of the House of Representatives :*

The subjects referred to in my general message, as being inconsistent with public interest to be brought before you

except in secret session, have been acted on by the convention, and renders it unnecessary for me to communicate them to you.

Very respectfully,

A. B. MOORE.

Which message, on motion of Mr. Irby, was laid on the table.

Mr. Pratt, from Autauga, appeared within the hall of the House, was qualified and took his seat.

Mr. Powell introduced a bill for the relief of the late Sheriff of Tuscaloosa county.

Mr. Lyon introduced a bill to repeal an act therein named relating to public roads in Marengo county.

Mr. Parsons introduced a bill for the relief of the heirs of Narcissa J. Burke, late of Tallapoosa county.

Which bills were severally read first, second and third times, under suspension of the constitutional rule and passed.

Mr. Rice introduced a bill to authorize an extension of certain 16th section notes in T. 16, R. 17, in Montgomery county.

Mr. Walden, of Coosa, introduced a bill to amend a certain act therein named.

Mr. Mabry introduced a bill to give the Judge of Probate of Dallas county jurisdiction over the estate of Robt. Craig, deceased, late of Sumter county.

Which bills were severally read first and second times, under suspension of the constitutional rule, and referred to the judiciary committee.

Mr. Mabry introduced bill to incorporate the Mechanics' Aid Association, Selma.

Mr. Overall introduced a bill to amend an act entitled an Act to incorporate the Mechanics' Aid Association of Mobile. Approved, February 24, 1860.

Which bills were severally read first and second times, under suspension of the rules, and referred to committee on corporations, when raised.

Mr. Martin introduced bills to divorce Arthur Beardin from his wife Nancy A. Beardin, and to divorce Florence J. Burgess from her husband Benjamin F. Burgess, which bills were severally read first and second times, and referred to committee on divorce and alimony, when raised.

Mr. Walker of Coosa, introduced bill authorizing the administrator of Robt. P. Lauderdale, deceased, late of

Coosa county, to purchase lands, was read and ordered to a second reading.

Mr. Powell presented the petition of T. F. Murphy and others of Russell county, which was referred to committee on the judiciary.

Mr. Hale offered the following resolution:

*Resolved*, That the Speaker appoint the following additional standing committees:

A committee on Insane Asylum;

A committee on Local Legislation;

A committee on Public and Swamp Lands of the State;

A committee on Patents and Copy Rights. Adopted.

Mr. Aldridge presented the account of J. W. Moore, which was referred to committee on accounts and claims, when raised.

Mr. Bell presented the petition of Wm. A. Steele and others, which was referred to committee on corporations.

Mr. Walker offered the following resolution, which was adopted:

*Resolved*, That the committee on the judiciary be instructed to prepare and report to this House a bill to provide for the administration of the admiralty and maritime laws in this State.

Mr. Walden of Coosa, offered the following resolution:

*Resolved, by the House of Representatives in General Assembly convened*, That a committee be appointed by the Speaker whose duty it shall be to write the ministers of the different churches to attend for the purpose of opening the sessions of this House with prayer.

On motion of Mr. Starke, the resolution was laid on the table.

On motion of Mr. Clitherall, a committee of three was appointed to wait upon the convention of the people and tender to them the use of the hall of the House to-day, to hear Commissioner Mathews, of Mississippi, address that body.

Messrs. Clitherall, Bowen and Scott were appointed said committee.

Mr. Clitherall reported that the committee had performed its mission.

Mr. Cooper announced the death of the Hon. Dozier Thornton of Cherokee, and offered the following preamble and resolutions:

WHEREAS, This House has learned with regret that since the adjournment of the regular session of this General As-

sembly, the Hon. Dozier Thornton, a member of this House from the county of Cherokee, has departed this life:

*Be it therefore Resolved*, That in the death of the Hon. Dozier Thornton, the State has lost a most valuable citizen, and the members of this body deprived of the association and services of a worthy and useful member and companion.

*Resolved*, That we sympathize with the surviving relatives and friends of the deceased in their bereavement.

*Resolved*, That as a testimony of our respect for his memory, the members and officers of this body wear the usual badge of mourning for thirty days.

*Resolved*, That this preamble and resolutions be spread upon the journal, and that they be communicated to the Senate, which were unanimously adopted.

Mr. Lyon announced to the House the death, since the last session of the General Assembly, of the Hon. N. B. Lessueur, late a member from Marengo county, and, at the conclusion of his remarks upon the character of the deceased, offered the following preamble and resolutions, which were unanimously adopted:

WHEREAS, This House has learned with deep regret, that since its last session, the Hon. N. B. Lessueur, elected member from Marengo county, has departed this life, this body, entertaining a high sense of the character of the deceased and his usefulness as a member of the General Assembly, do resolve as follows:

1st. That in the death of the Hon. N. B. Lessueur, the State has lost a valuable citizen, his county a useful representative, and the society in which he lived a valuable member.

*Resolved, further*, That this House deeply sympathize with the family of the deceased in the great loss they have sustained, and directs a copy of these resolutions to be furnished them as evidence of the high estimation in which he was held by his associates in this body.

Mr. Pratt, from Autauga, announced the decease of Hon. A. C. Taylor, late representative from that county.

Messrs. Davis, Webb and Clark waited upon the House of Representatives as a committee from the Convention, accepting the use of the hall, and returning thanks in the name of the Convention for the same;

When, on motion of Mr. Starke, out of respect of the memory of members deceased, whose deaths were announced to-day, the House adjourned till 10½ o'clock to-morrow.

THURSDAY, January 17, 1861.

House met pursuant to adjournment. Journal of yesterday was read and approved.

Mr. Speaker announced the following standing committees:

*Judiciary*—Messrs. Walker, Rice, Parsons, Hale, Clitherall, Gilchrist, Forney, Cooper, Carlyle.

*Ways and Means*—Irby, Smith of Lauderdale, Lyon, Walden of Morgan, Bowen, Holley of Tallapoosa, Tait of Wilcox, Whitfield, Neal, Jones.

*Foreign Relations*—Hale, Walker, Hudgins, Rice, Chambers, Mabry, Jack, Cunningham of Macon, Clitherall.

*Banks, Banking and Currency*—Lyon, Rice, Smith of Lauderdale, Mabry, Hubbard, Overall, Lowe, Carter, Aldridge, Bowen, Tait of Wilcox.

*Commerce*—Forsyth, Lyon, Chambers, Parsons, Shepard, Starke, Clifton, Carey, Hearin of Clarke.

*Military*—Clayton, Irby, Forsyth, Hale, Bradley, Huckabee, Davis, Griffin of Jackson, Bryant, Slater.

*Postal Arrangements*—Clitherall, Clayton, Powell, Forsyth, Lane, Martin, Van De Graaff, Calhoun, Seale.

*Patents and Copyrights*—Smith of Lauderdale, Gibson, Sherrod, Overall, Humphries, Tate of Macon, Pratt, Hearin of Clarke, Holley of Covington.

*Public and Swamp Lands*—Parsons, Hubbard, Lane, White, Hightower, Goldsmith, Latham, Barlow, Musgrove, Brown, Bibb.

*Internal Improvements*—Hobbs, Starke, Adams, Bush, Whitfield, Griffin of Jackson, Bryan, Brooks, Tate of Macon, Griffin of Marshall, Burgess.

*Education*—Hubbard, Forney, Tait of Wilcox, Martin, Hobbs, Bradley, Huckabee, Herman.

*Divorce and Alimony*—Stark, Wright, Carey, Davis, Davidson, Hightower, Thomas, Clapp, Woods, Cunningham of Cherokee, Herrin.

*Insane Hospital*—Mabry, Cunningham of Macon, Lloyd, Bradley, Powell, Fielder, Blake, Ferrell.

*Local Legislation*—Cooper, Scott, Adams, Millsap, Oats, Carlyle, Griffin of Dale, Jones, Humphries, Cowan, Flake.

*Corporations*—Forney, Lloyd, Smith of Coosa, Abney, Thomas, Oats, Van De Graaff, Fielder, Overall, Clifton, Clapp.

*Propositions and Grievances*—Aldridge, Musgrove, Wright, Cunningham of Cherokee, Bell, Ferrell, Slater, Herrin of Tallapoosa, Goldsmith, Brooks.

*Accounts*—Griffin of Marshall, Coleman, Flake, Cowan, Meadows, Lowe, Blake, Fountain, Smith of Coosa.

*Enrolled Bills*—Shepard, Sherrod, Bibb, Dark, Knox, Coleman, Warran, Lane, Gibson.

*Penitentiary*—Walden of Morgan, Meadows, Humphries, Burgess, Latham, Brown, Holley of Covington, Seay, Mill-sap, Calhoun, Bell, Knox, Easley.

*State Printing*—Hudgins, Carter, Woods, Walden of Coosa, McMurry, White, Davidson, Abney, Herman.

*State Capitol*—Gilchrist, Neal, Griffin of Dale, Holley of Tallapoosa, Seay, Seale, Dark, Bush, McMurray, Walden of Coosa, Warren.

#### CALL OF COUNTIES.

The following bills were introduced, read first, second and third times, under suspension of the rule, and passed.

By Mr. Parsons: To authorize the clerks of the lower courts to issue executions for their costs in appeal cases.

By Mr. Seale: To amend an act for the preservation of game in the county of Sumter.

Also, to amend an act in relation to hunting wild hogs in the county of Butler and other counties, approved February 21st, 1860.

By Mr. Hudgins: To repeal an act therein named, relating to steam mills in Jackson county.

By Mr. Lloyd: To repeal an act approved December 3d, 1857.

The following bills were introduced, read first and second times, under suspension of the rule, and referred to the judiciary committee:

Mr. Herman: For the relief of Wm. A. Noell.

Also, by the same: To repeal an act approved February 14, 1850.

By Mr. Overall: To amend an act entitled an act to regulate and define the duties and liabilities of railroad companies in this State, approved February 6, 1858.

By Mr. Carter: To amend Sections 1856 and 1857 of the Code.

By Mr. Carter: To compensate patrol companies.

By Mr. Hobbs: To amend an act entitled an act to loan and appropriate the three per cent. fund and its interest.

Mr. Mabry moved to amend as follows:

*Provided, and it is hereby enacted,* That the said Tennessee and Alabama Central Railroad shall be constructed to some

point at or near the town of Montevallo, as specified in this act of the last session of the Legislature, disposing of the three per cent. fund; and that all railroads constructed or about to be constructed in this State, shall always have the right to connect with and to run in connection with said Tennessee and Alabama Central Railroad on fair and equal terms, without any diminution in favor of or against any of said railroads so authorized to connect; but all shall be placed on a fair and equal footing as to the terms of transportation of produce, merchandise and passengers, without discrimination against any, or in favor of any one or more over the rest. This proviso shall be obligatory on whomsoever shall have the management or direction of the said Tennessee and Alabama Central Railroad, by whatever name the same may be designated in whole or in part.

The following bills were introduced, read first and second times, under suspension of the rule, and referred to committee on ways and means.

By Mr. Pratt: To encourage and promote the manufacturing interest of Alabama.

By Mr. Gibson: To exempt from taxation revolving pistols and other arms kept for military purposes.

By Mr. Fielder: For the relief of R. F. Campbell, tax collector of Choctaw county.

The following bills were introduced, read first time and ordered to a second reading on to-morrow.

Mr. Walden, of Coosa, a bill to authorize the Commissioners Court of Coosa county to issue bonds for certain purposes therein named.

Mr. Cooper, authorizing the stay of executions until 1st March, 1862.

The following bills were introduced, read first and second times under suspension of the rule and referred to the military committee.

By Mr. Mabry: To incorporate the Red Eagle Rifle Company of Dallas county.

By Mr. Knox: To amend section nine of the bill to provide for an efficient military organization of the State of Alabama, approved February 20th, 1860.

The following bill was introduced, read first and second time under suspension of the rule, and referred to committee on internal improvements:

By Mr. Rice: An act amendatory of an act to incorporate the Bank of Alabama, and for other purposes, approved February 13th, 1860.

Mr. Clitherall introduced a bill to authorize the Governor to employ two secretaries, which was read first and second times under suspension of the rule and referred to committee on ways and means, with instructions to report to-morrow.

Mr. Rice presented the petition of sundry citizens of Montgomery, in opposition to the stay law, which was referred to the judiciary committee.

Mr. Carlyle introduced a bill to regulate the time of the trial of State cases in the circuit court for the county of Chambers, which was read first and second times under suspension of rule and referred to local legislation.

Mr. Mabry offered the following resolution :

*Resolved*, That the committee on banks, banking and currency, be instructed to inquire into the expediency of reporting a bill legalizing the suspension of specie payments by the Commercial Bank of Alabama, the Central Bank of Alabama, the Eastern Bank of Alabama, and to make the bills of these banks receivable in the payment of taxes and other public dues; and also to inquire into the expediency of authorizing the suspension of the other chartered banks of Alabama, which have not suspended.

Mr. Parsons moved to amend as follows :

On condition that each of said banks receive the bills of the others on deposit at par, from this time forth, so long as said suspension continues; after they or one of them shall resume, the obligation to receive said bills by the bank or banks resuming shall cease, except as to those banks which shall have resumed specie payments: *Provided*, That they pay out the bills of other banks in lieu of their own.

Mr. Walker moved to amend the amendment as follows :

If, however, any bank not already suspended shall decline to suspend, such bank shall not be required to receive on deposit the notes of any suspended banks, unless means are provided at the place of such deposit for the payment in specie of the notes of such suspended banks.

Mr. Parsons moved to amend further: *And provided further*, That during the period of suspension, each bank, when its bills are presented at its counter for payment, shall be required to furnish exchange at      per cent. on the following points, and on failure to do so, shall be liable to pay fifteen per cent. interest per annum.

On motion of Mr. Clitherall, the resolutions and amendments, together with the correspondence of the Governor and the banks were referred to the committee on banks, banking and currency.



## ORDERS OF THE DAY.

The bill to authorize the administrator's of Robt. P. Lauderdale, deceased, late of Coosa county to purchase lands, was read a second time.

Mr. Walden, of Coosa, moved to suspend constitutional rule to give the bill a third reading forthwith.

Lost.

The bill was then referred to the judiciary committee.

Mr. Latham introduced bill for the relief of John Owens and Daniel Freeman of Jackson county, which was read first and second time under suspension of the rule, and ordered to a third reading.

Mr. Lloyd offered the following resolution :

*Resolved*, That the Governor, if not incompatible with the public interest, be requested to communicate to this House :

1st. What amount of arms, and of what description, are now belonging to or are under the control of the State, and where they are.

2d. What amount of amunition, and of what description is now belonging to the State, or is within its control, and where the same now is.

3d. What amount of arms, and of what description, he has purchased out of the appropriation made at the last session ; of whom and by whom purchased, and what amount has been expended, and how much of said appropriation is now on hand.

4th. And what number of companies within the State have been furnished with arms, and what companies and what character of arms have been furnished said companies.

Adopted.

Mr. Gibson offered the following resolution :

*Resolved*, That a committee of three be appointed to inquire into and report the condition of the treasury of the State, and to ascertain and report the probable amount of revenue which will be realized during the current fiscal year ; also, to ascertain and report the present liabilities of this State, foreign and domestic, and the times when the several liabilities of this State become due.

Adopted.

When, on motion of Mr. Clitherall, the House adjourned until half past ten o'clock to-morrow.

FRIDAY, January 18th, 1861.

House met pursuant to adjournment.

Journal of yesterday was read and approved.

Mr. Speaker announced Messrs. Gibson, Whitfield and Irby committee under the resolution adopted yesterday of Mr. Gibson.

Mr. Irby, from committee on ways and means, reported a substitute for the bill to authorize the Governor to employ two secretaries, which was adopted, read third time forthwith and passed.

Mr. Lowe offered the following resolution :

*Resolved*, That the people of Alabama, now in Convention assembled, be respectfully requested to inform this body for what contingencies arising out of the action of said convention they desire the Legislature to provide.

Which resolution, on motion of Mr. Hubbard, was laid on the table.

Mr. Whitfield offered the following resolution :

*Resolved*, That the committee on banks, banking and currency, be instructed to report to this House, by bill or otherwise, the value of foreign coins that may be brought into this State.

Adopted.

#### CALL OF COUNTIES.

The following bills were introduced, read first and second times and referred to committee on accounts and claims :

By Mr. Davidson : To compensate Richard H. Oakley, sheriff of Bibb county, for services rendered the State.

By Mr. Brooks : For the relief of J. C. Goodson.

The following bill was introduced :

By Mr. Gibson : To repeal an act entitled an act to provide for an efficient military organization of the State of Alabama; which bill, on motion of Mr. Clitherall, was laid on the table.

The following bills were introduced, read first and second times and referred to the judiciary committee :

By Mr. Carlyle : To allow jurors upon coroner's inquests the same pay as jurors in the circuit court.

By Mr. Rice : For the relief of Lucretia Davidson.

By Mr. Hearin, of Clarke : To amend an act therein named.

By Mr. Pratt : To prevent negroes from being located in the suburbs of cities.

By Mr. Van De Graaff: To amend section 2462 of the Code of Alabama.

The following message was received from the Senate by Mr. Samuel Dixon, assistant secretary :

SENATE, February 18th, 1861.

Mr. Speaker: The Senate has adopted the following resolution :

*Resolved*, By the General Assembly, (the House of Representatives concurring,) that the Convention be requested to appoint a committee to confer with a joint committee of the two Houses, for the purpose of ascertaining and fixing the respective duties of the said Convention, and the General Assembly in regard to the legislation immediately required by the exigencies of the State.

Messrs. Bullock, Patton and Calhoun, compose the committee on the part of the Senate.

Also originated and passed a bill of the following title :

To change the time of holding the circuit courts in the county of Marion.

On motion of Mr. Clitherall, the House concurred in the above resolution, and appointed Messrs. Rice, Hubbard and Parsons said committee.

Mr. Smith of Coosa, introduced a bill to relieve a certain person therein named, which was read first and second times and referred to committee on divorce and alimony.

The following bills were introduced, read first and second times, under suspension of rule, and referred to committee on local legislation :

By Mr. Flake: To amend an act for the location of site of justice in Henry county.

By Mr. Walden, of Coosa: To amend the road laws of Alabama.

Mr. Overall offered the following resolution :

*Resolved*, That the committee on local legislation be instructed to enquire into the expediency of further regulating or prohibiting the entrance of free negro mariners into this State upon the vessels visiting the waters thereof, and that they report by bill or otherwise, with a memorial on the subject. Adopted.

Mr. Griffin of Jackson, introduced a bill to compel the Memphis and Charleston Railroad Company to drain the ponds along the line of said road within the limits of Jack-

son county, which was read first and second times, under suspension of the rule, and referred to committee on internal improvements.

Mr. Hubbard offered the following resolution:

*Resolved*, That the committee on banks, banking and currency, be instructed to report to this House such financial measures as the exigencies of the State, in their opinion, may seem to demand, with leave to report by bill or otherwise. Adopted.

The following bills were introduced, read first and second times, and referred to the committee on corporations:

By Mr. Cunningham, of Macon: To amend an act therein named.

Also, to amend an act therein named, in relation to the Alabama Insurance and Exchange Company at Tuskegee.

By Mr. Jones: To incorporate Ingraham Academy in Russell county.

Mr. Cunningham introduced a bill to loan arms and accoutrements to E. M. & J. A. Law, which was read first and second times, under suspension of rule, and referred to military committee:

Mr. Starke introduced bill to declare Abner Hill a line between the counties of Pike and Montgomery, which bill was read first and second times, under suspension of the rule.

Mr. Clitherall moved to lay the bill on the table.

Yeas 36, nays 47. Lost.

AYES—Messrs. Abney, Bell, Brown, Brooks, Bush, Carey, Clayton, Clitherall, Coleman, Dark, Davis, Forsyth, Griffin of Marshall, Herrin of Tallapoosa, Hightower, Hobbs, Holley of Covington, Hubbard, Humphries, Irby, Lloyd, Lowe, Lyon, Martin, McMurray, Meadows, Neal, Shepard, Sherrod, Slater, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Warren, White, Whitfield.

NAYS—Mr. Speaker, Adams, Aldridge, Barlow, Bibb, Bradley, Brown, Bryan, Burgess, Calhoun, Carlyle, Carter, Clapp, Clifton, Cooper, Cunningham of Cherokee, Cunningham of Macon, Davidson, Ferrell, Fielder, Flake, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hearin of Clarke, Herman, Holley of Tallapoosa, Hudgins, Jack, Jones, Lane, Latham, Mabry, Millsap, Powell, Pratt, Rice, Scott, Seal, Smith of Coosa, Thomas, Van De Graaff, Wright.

The bill was then ordered to a third reading on to-morrow.

Mr. Starke introduced a bill for the relief of certain per-

sons therein named, which was read first and second times, under suspension of rule, and referred to committee on accounts and claims.

Mr. Clitherall introduced bill to provide for the payment of the members and officers of the General Assembly, and delegates and officers of the convention of the people of Alabama now in session at Montgomery, and for other purposes, which was read first and second times and referred to committee on ways and means.

Mr. Lowe presented the petition of A. J. Schimusher, which was referred to committee on accounts and claims.

Mr. Bradley offered the following resolution, which was adopted:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of declaring the circuit courts to be in permanent session, and that the grand jurors shall continue by adjournment from the term at which they are chosen until the next succeeding term, and that said committee have leave to report by bill or otherwise.

Mr. Bryan offered the following resolution:

*Resolved*, That the Speaker of the House appoint a committee whose duty it shall be to examine and thoroughly test the guns recently purchased for this State and known as the "*George Law Guns*;" also, to examine into the contract of purchase and circumstances connected therewith, and report at the earliest practicable period.

Adopted; and the Speaker appointed Messrs. Clayton, Irby and Huckabee said committee.

Mr. Irby, from committee on ways and means made the following report:

The committee on ways and means, to which was referred the bill to be entitled an act to provide for the military defence of the State of Alabama, have had the same under consideration; have instructed me to report the bill back to the House with the accompanying amendments, and to recommend its passage as amended.

The bill, as amended by the committee, provides:

1. For the issue of bonds of the State to the amount of two millions of dollars, in sums of not less than five hundred nor more than five thousand dollars each, bearing interest at the rate of 8 per cent. per annum, payable annually at the Treasury of the State, with coupons attached; the principal payable in current coin on the 7th May, 1871, with the faith of the State pledged for their redemption.

2. The interest coupons to be receivable in all public dues.

3. All executors, administrators, trustees and guardians are authorized in their discretion to vest funds in their hands in these bonds.

4. The bonds are authorized to be received by the Comptroller as a pledge for the security of bills issued by any free banking company organized under the laws of this State, and the bonds themselves and funds invested in them to be exempt from taxation by the State, or any county, city or town thereof.

5. The bonds are not to be sold by the State for less than par value, in gold or silver, or its equivalent.

As a mere investment they are safe and productive; the rate of interest is higher than is usually paid upon State stocks; the faith of the State, never yet violated, stands pledged for their redemption, and the fact that the interest coupons are receivable in all public dues renders them a convenient investment for every tax-paying citizen, at least to an amount sufficient to cause the accruing interest upon the amount taken to meet his annual taxes for the support of the State government. Such an investment would simply amount to the payment of taxes in advance, with the security of the State that there would be no loss of interest on the advance.

These bonds are designed to be sold to our own citizens, and another and a higher consideration than a mere investment of money ought to induce every one who is able and disposed to aid the State in her present emergency to invest in them. Our rights have been grossly violated, and the people of this State have been compelled to withdraw from the late Federal Union. We seek no conflict; we make no aggressive war—we prefer peace, but threats of coercion have been made from high quarters, and it is the duty of the Legislature to put the State on a footing for vigorous and successful defence. If our rights are assailed, it is the duty of every one to unite in resisting the assailants. To this end every patriotic citizen will afford his active aid in providing the means of defence by investing in the bonds of the State authorized to be issued under the bill reported by your committee.

All of which is most respectfully submitted.

THOMAS E. IRBY,  
Chairman Ways and Means.

The amendments of the committee were severally adopted.

Mr. Clitherall moved to amend by striking out the third section of the bill.

Mr. Parsons moved to amend as follows, after the word "aforesaid," in section 3d and third line:

*Provided*, Such investment is made on the sale of the bonds by the Governor, or any other authorized agent of the State of Alabama, as provided for in section 4.

Adopted.

Mr. Clitherall moved to amend as follows: After the word "authorized," in the third line, 3d section, add, "with the authority of the proper chancery or probate court first obtained."

Mr. Clitherall moved to adjourn until 10 o'clock to-morrow.

Lost.

The question then was on Mr. Clitherall's amendment. Yeas 29—Nays 56. Lost.

AYES—Mr. Speaker, Abney, Aldridge, Barlow, Brooks, Bryan, Carlyle, Carey, Clapp, Clitherall, Coleman, Davidson, Griffin of Jackson, Holley of Covington, Huckabee, Jones, Lowe, Mabry, Meadows, Overall, Powell, Pratt, Rice, Sherrod, Smith of Coosa, Starke, Van De Graaff, Walden of Coosa, Whitfield.

NAYS—Messrs. Adams, Bell, Bibb, Bowen, Bradley, Brown, Burgess, Bush, Calhoun, Carter, Clayton, Clifton, Cunningham of Cherokee, Cunningham of Macon, Dark, Ferrell, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Marshall, Hall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Irby, Jack, Lane, Latham, Lloyd, Lyon, Martin, McMurray, Millsap, Neal, Parsons, Rice, Seal, Shepard, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Thomas, Walker, Warren, White, Wright.

The question then recurred upon striking out the 3d section of the bill. Lost. Yeas 26—Nays 62.

AYES—Messrs. Abney, Aldridge, Barlow, Brooks, Brown, Carlyle, Clapp, Clitherall, Coleman, Davidson, Davis, Goldsmith, Hobbs, Holley of Covington, Huckabee, Jones, Knox, Lowe, Millsap, Powell, Scott, Sherrod, Smith of Coosa, Starke, Van De Graaff, Walden of Coosa, Warren, Whitfield.

NAYS—Messrs. Speaker, Adams, Bell, Bibb, Brown, Bradley, Bryan, Burgess, Bush, Calhoun, Carter, Carey, Clayton, Clifton, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of

Marshall, Hall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Jack, Lowe, Latham, Lloyd, Lyon, Mabry, Martin, McMurray, Neal, Overall, Parsons, Pratt, Rice, Seal, Shepard, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Thomas, Walden of Morgan, Walker, White, Woods, Wright.

Mr. Rice moved to strike out "500," and insert "50," in section second, second line.

Mr. Lyon called for a division of the question, and the question 1st was upon striking out.

Carried.

The question then was on filling the blank with "fifty."

Mr. Lyon moved to amend by filling the blank with the words "one hundred."

Lost.

The question then recurred upon filling the blank with the word "fifty," and it was adopted.

Mr. Lyon moved to amend the second section, 9th line, after the word "and" add the words, "the said bonds."

Adopted.

Mr. Lowe moved to adjourn until 10 o'clock to-morrow.

Lost.

The bill was then read the third time forthwith.

Mr. Powell moved to postpone the passage of the bill until Monday next, and make it the special order for the hour of 12 o'clock that day.

Lost.

The bill then passed, yeas 75, nays 12.

Yeas—Mr. Speaker, Adams, Bell, Bowen, Bradley, Brook, Bryan, Burgess, Bush, Calhoun, Carter, Cary, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, of Cherokee, Cunningham, of Macon, Dark, Davis, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin, of Dale, Griffin, of Jackson, Griffin, of Marshall, Hale, Hearin, of Clarke, Herrin, of Tallapoosa, Herman, Hightower, Holley, of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Knox, Lane, Latham, Lloyd, Lowe, Lyon, Mabry, Martin, Meadows, Milsap, Musgrove, Neal, Overall, Parsons, Pratt, Rice, Scott, Shepard, Sherrod, Smith, of Lauderdale, Starke, Tate, of Macon, Tait, of Wilcox, Thomas, Van Degraaff, Walden, of Coosa, Walden, of Morgan, Walker, Warren, White, Whitfield, Woods, Wright.

Nays—Messrs. Abney, Aldridge, Bibb, Brown, Clapp,



Davidson, Holley, of Covington, Jones, McMurry, Powell, Seals, Smith, of Coosa.

When, on motion, the House adjourned until half-past ten o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }  
Saturday, January 19th, 1861. }

House met pursuant to adjournment. Journal of yesterday was read and approved.

The following message was received from the Senate by Mr. Dixon :

Mr. Speaker:—The Senate has passed House bills of the following titles:

For the relief of Narcissa J. Burke, late of Tallapoosa county.

To authorize the Governor to employ two Secretaries.

The Senate has originated and passed a bill, To prevent Fish being taken with nets or seines in the Tennessee river and its tributaries.

The Senate concurs unanimously in the resolutions of the House in respect to the death of the Hon. Dozier Thornton, late a member of your body from the county of Cherokee.

M. TAUL, Sec'y.

Mr. Irby asked and obtained leave not to serve as one of the Committee to examine into the Treasury, &c.

Mr. Walden, of Morgan, was substituted.

#### PROTEST.

The undersigned, members of the minority who voted against the bill to be entitled, An Act to raise money for the military defense of the State, desire to spread upon the Journal of the House the following reasons for voting against said bill :

1st. The 3d section of the bill authorizes executors, administrators, guardians and trustees, having means belonging to their distributors, wardens, or *cestui que trust* to invest the same in the bonds proposed to be issued by the State under the provisions of the bill, and make such investment a full and complete discharge of the liability of such executors, administrators, guardians or trustees in any of the courts of law or equity in this State. The friends of the bill pertinaciously refused to allow said section to be so amended as to require such executors or trustee to apply to

a competent court for authority to make such investment, thus placing the entire interest of the beneficiary parties at the mercy and caprice of the person having control of their funds. Believing that such investment might possibly result in loss or great inconvenience to a class of our population whose estates are entitled to the protection of our laws, and being opposed to conferring upon any fiduciary agent such a mere naked, and at the same time irresponsible authority, the undersigned refused to support the bill.

2d. The 6th section of the bill enacts that any moneys invested in the purchase of said bonds, shall be exempt from taxation of any kind, thus giving capitalists who desire to invest their funds in said bonds an advantage over other citizens who are equally patriotic, but who cannot make such an investment, and at the same time depriving the State of the annual revenue it would collect on the capital so invested, and which it would collect from citizens having their funds otherwise invested. The undersigned can see no justice or equity in making such discrimination in favor of some and against others of our citizens.

3d. The bill authorizes the said bonds to be made the basis of Banking capital under the free banking laws of our State; thus giving a banking corporation an exclusive privilege incident to such corporations, and at the same time exempting it from the payment of such taxes on its capital stock as is required of all other corporations or enterprising companies.

The foregoing is a mere statement of the more prominent objections to the bill mentioned; let these be removed and the undersigned will go as far as any in maintaining the dignity and honor of the State of Alabama.

E. A. Powell,	B. S. Clapp,
H. O. Abney,	E. Aldridge,
S. W. Davidson,	J. M. Bibb,
Kembro T. Brown,	D. T. Seale,
Francis G. Jones,	F. A. McMurray,
Alfred Holley,	Alex. Smith.

We concur with the above gentlemen in their objections to the 3d section of said bill:

W. D. Walden,	Alex. B. Clitherall,
N. L. Whitfield.	

Mr. Parsons offered the following resolution, which was adopted:

*Resolved*, That the Governor of this State be requested to communicate to this House what has been done under the

provisions of an act approved February 24th, 1860, entitled, An Act to secure to the State of Alabama the lands appropriated to the State of Arkansas and other States, to reclaim the swamp lands within their limits by act of Congress, approved September 28th, 1850.

#### CALL OF COUNTIES.

The following bills were introduced, read 1st and 2d times under suspension of the rule, and referred to the Judiciary Committee.

By Mr. Millsap: To amend the attachment laws of this State.

By Mr. Cunningham of Cherokee: To amend section 2813, of the Code of Alabama.

By Mr. Brown: To repeal section 396 of the Code of Alabama.

By Mr. Starke: To authorize Eli Townsend, executor of Jason Cargill, deceased, to sell personal property of said deceased.

Mr. Woods presented the petition of P. D. Page, Ann D. Irby and others, praying the passage of a stay law. Referred to the Judiciary.

The following bills were introduced, read 1st, 2d and 3d times, under suspension of the rule, and passed:

By Mr. Hearin, of Clarke: To divorce Elijah Moncrief from Elizabeth Moncrief, and to divorce other persons therein named.

By Mr. Walker: To guard the State from invasion by sea.

By Mr. Clitherall: To authorize Talbot Adams and Andrew Lyon to construct gates across the Vienna and Cooksville road, in Pickens county.

Mr. Hubbard introduced bill to enable the several railroad companies in this State the better to manage the carrying of passengers and freights upon their respective roads, which was read 1st and 2nd time under suspension of rule, and referred to Committee on Banks, Banking and Currency.

Mr. Walker introduced bill to incorporate a steam engine company, in Mobile. Read 1st and 2d time and referred to Committee on Corporations.

Mr. Walker presented the petition of J. B. Todd and others, praying the appointment of a branch pilot for the waters running from Fort Stoddard, where they leave Mobile river, to Mobile Point. Referred to Committee on Commerce.

Mr. Griffin, of Marshall, introduced a bill to postpone the lien of the State of Alabama on the Tennessee and Coosa railroad. Read 1st and 2nd times under suspension of rule and referred to Committee on Internal Improvements.

Mr. Whitfield presented the petition of R. Blair, mayor of Tuscaloosa, and others, which was referred to the Committee on the military.

Mr. Knox offered the following resolution :

*Resolved*, That the Committee on ways and means be instructed to inquire into the expediency of the passage of some law to raise funds for the purchase of food for the poor and destitute of this State, as suggested by the Governor's message, and that they report by bill or otherwise. Adopted.

Mr. Walker offered the following resolution :

*Resolved*, That the Committee on ways and means be instructed to inquire into the expediency of postponing the payment of the sterling bonds of the State falling due in 1863, and report by bill or otherwise. Adopted.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Clitherall reported an amendment to the bill to repeal in part section 2398 of the Code, so far as the same relates to townships. Adopted. The bill was ordered to a third reading forthwith—Yeas 42 ; Nays 38.

AYES—Mr. Speaker, Abney, Bradley, Bryan, Bush, Calhoun, Carlyle, Carter, Clayton, Clitherall, Coleman, Fielder, Flake, Forney, Fountain, Griffin of Dale, Griffin of Jackson, Hale, Herman, Huckabee, Hudgins, Humphries, Jones, Lane, Latham, Mabry, Martin, Meadows, Overall, Powell, Pratt, Rice, Slater, Smith of Lauderdale, Starke, Thomas, Van DeGraaff, Walden of Coosa, Walker, White, Whitfield, Woods.

NAYS—Messrs. Aldridge, Barlow, Bell, Bibb, Brooks, Brown, Burgess, Carey, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Davis, Ferrill, Gibson, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Irby, Jack, Lloyd, Lane, Lyon, McMurray, Milsap, Neal, Seal, Sherrod, Smith of Coosa, Walden of Morgan, Warren.

The bill was read the third time and passed.

Mr. Clitherall reported an amendment to bill to authorize the extension of 16th section notes. Adopted. Read third time and passed.

Also, reported a substitute for the bill to give the Judge of Probate of Dallas county jurisdiction over the estate of Robert Craig, deceased, late of Sumter county. Adopted. Read third time and passed.

Also, reported adversely to the bill to amend the act to regulate and define the duties and liabilities of railroad companies, &c.

While under discussion, Mr. Clitherall moved to suspend all business before the House to allow Mr. Hale, from Judiciary committee, to report a bill. Carried.

Mr. Hale reported a bill to authorize the payment of taxes in the bills of the chartered banks of the State, which was read 1st, 2d and 3d time, under suspension of rule, and passed. Yeas 81—Nays 2.

Ordered to the Senate.

YEAS—Mr. Speaker, Aldridge, Barlow, Bell, Bowen, Bradley, Brooks, Bryan, Burgess, Bush, Calhoun, Carlyle, Carter, Carey, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Davis, Ferrill, Fielder, Flake, Forney, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Jones, Lane, Latham, Lloyd, Lowe, Lyon, Mabry, Martin, McMurray, Meadows, Milsap, Neal, Overall, Parsons, Powell, Pratt, Rice, Scott, Seal, Sherrod, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Van DeGraaff, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods, Wright.

NAYS—Messrs. Abney, Brown.

#### ORDERS OF THE DAY.

The bill authorizing the stay of executions, &c., was read a 2d time.

Several amendments were moved by Messrs. Overall, Clitherall, Fielder and Starke;

Which amendments, together with the bill, on motion, was referred to the judiciary committee.

The bill to authorize the commissioners' court of Coosa county to issue bonds, &c., was read 2d time and referred to the judiciary.

Senate bill to change the time of holding the circuit court

in the county of Marion, was read 1st, 2d and 3d time, under suspension of rule, and passed.

Engrossed bill to declare Abner Hill a liner between the counties of Pike and Montgomery, was read the 3d time and passed.

Mr. Starke, by leave, from the committee on divorce and alimony, reported a bill to divorce Arthur Beardin from his wife Nancy Beardin, and to divorce other persons therein named, which was read 1st and 2d times, under suspension of rule, and ordered to be engrossed ;

When, on motion, the House adjourned until 10 o'clock on Monday.

HOUSE OF REPRESENTATIVES, }  
Monday, January 21st, 1861. }

House met pursuant to adjournment.

Journal of Saturday was read and approved.

The Speaker laid before the House records of divorce, which were referred to the committee on divorce and alimony.

The following message from the Governor was received through Mr. Phelan, which was read and referred to the committee on commerce :

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 4, 1861. }

*Hon. A. B. Meek,*

*Speaker House of Representatives :*

SIR: At the instance of Mr. Robert M. Livingston, I desire to call the attention of the House of Representatives to the fact that he has been actively engaged since the last session of the Legislature in endeavoring to bring about direct trade between Alabama and other Southern States and foreign countries. I am informed that he has met with considerable success in effecting this important object. He has suggested to me that he thought it but just that the State should pay his expenses whilst engaged in this service. I informed him that as he had not been appointed by me a commissioner under the late act of the Legislature, I had no authority to make such payment, but would call the attention of the Legislature to the subject.

Mr. Livingston will be prepared to lay before any committee to which the subject may be referred, the evidence

upon which he considers himself entitled to have his expenses paid for the services rendered.

Very Respectfully,

A. B. MOORE.

Mr. Jack offered the following resolution :

*Resolved*, That the committee on internal improvements be instructed to inquire into the expediency of holding the Annual State Fair, for the State of Alabama, for 1861, at Tuscumbia, and report by bill or otherwise. Adopted.

Mr. Whitfield offered the following resolution:

*Resolved*, That a committee of three be appointed by the Speaker to act with a committee of like number appointed by the Senate, as a joint committee, whose duty it shall be to ascertain and report as early as practicable, the condition of the Central, Commercial and Eastern Banks of Alabama, and that said joint committee may, if it is deemed necessary, send two of its members to each of said banks to examine their assets and liabilities.

Messrs. Whitfield, Mabry and Scott compose said committee:

#### PROTEST OF MESSRS. BROWN AND ABNEY.

The undersigned ask leave to enter upon the journal of the House their reasons for voting against the passage of the bill to authorize tax collectors to receive the notes of the suspended banks in payment of taxes. They were:

1st. Because there was no time allowed for an examination of the provisions of the bill. The rules were suspended, and it was passed to a vote without that consideration which so important a measure demanded.

2d. The charters of the banks whose notes are thus forced upon tax collectors have been forfeited by their suspension, and that suspension has not to this time been legalized. The undersigned had no means of ascertaining what was their condition; they may be utterly worthless; they may be refused by the school superintendents and other creditors of the State, and the undersigned felt it to be their duty to vote against a measure of at least doubtful propriety, and one which became still more objectionable from the manner of its passage.

For the same reasons they now ask that their protest may be entered on the journal.

KIMBRO T. BROWN.  
H. O. ABNEY.

## CALL OF COUNTIES.

The following bills were introduced, read first, second and third times, under the suspension of the rule, and passed:

By Mr. Smith of Lauderdale: A bill to repeal section 6 of an act approved February 21, 1860.

By Mr. Lyon: A bill to authorize John Cocke, administrator of the estate of Wm. T. Cheeney, deceased, to make complete payment for certain lands therein named and a patent to issue therefor.

By Mr. Woods: A bill to authorize magistrates in Beat No. 4, in Montgomery county, to appoint special constables in said beat.

By Mr. Bradley: A bill to prohibit the sale of intoxicating liquors within one mile of Dublin precinct, in Perry county, and Spring Hill Academy or Spring Hill church, in Pickens county.

By Mr. Van De Graaff: A bill to authorize the owners of steam grist mills in Sumter county to take the one-sixth for grinding.

By Mr. Powell: A bill to prevent the sale of spirituous or intoxicating liquors within three miles of Moore's Bridge Post-office, in the county of Tuscaloosa, and Dublin Academy, in Bibb county.

The following bills were introduced, read first and second times, under a suspension of the constitutional rules, and referred to the judiciary committee:

By Mr. Tate of Macon: A bill to enable the guardian of Francis M. Brown to remove the guardianship of said ward to Macon county.

By Mr. Starke: A bill to compensate sheriffs for certain services.

By Mr. Van De Graaff: A bill for the more effectual prohibition of slaves trafficking on steamboats.

Mr. Mabry presented the petition of sundry citizens in Dallas county against the passage of the stay law, which was referred to the judiciary committee.

By Mr. Holley of Covington: A bill declaring the Five Runs in Covington a high way, which bill was read a first and second times and referred to the committee on internal improvements.

Mr. Burgess introduced a bill to authorize John S. Morgan to erect a dam across Big Will's creek, which was referred to a select committee, composed of the delegates from DeKalb and Cherokee.



The following bills were introduced, read the first and second times, under a suspension of the constitutional rule, and referred to the committee on corporations:

By Mr. Thomas: To amend an act therein named.

By Mr. Walker: To revise the act to incorporate the Alabama and Direct Trade and Exchange Company, approved the 5th of February, 1852, and the supplemental act thereto, approved February 17, 1854.

By Mr. Walker: To repeal, in part, an act entitled an act to regulate the agencies of insurance companies not incorporated in the State of Alabama, approved the 24th of February, 1860.

Mr. Whitfield moved an amendment:

That section 12, of an act entitled an act to regulate the agencies of insurance companies not incorporated by the State of Alabama, approved 24th of February, 1860, be amended by adding the following words to the said section:

*Provided*, They shall not be held to pay the sum of two hundred dollars, under section 8 of said act, for benefit of fire companies or fire departments, unless such life and trust insurance companies are taking or propose to take fire, river or marine risks.

Mr. Latham introduced a bill for the relief of John B. Talley, of Jackson county, and other persons therein named, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

The following bills were introduced, read a first and second time, under the constitutional rule, and referred to the committee on the military:

By Mr. Rice: A bill to relieve from military duty certain persons therein named.

By Mr. Ferrell: A bill to change the mode of assessing the military and commutation tax of this State.

Mr. Powell introduced a bill to incorporate the Western Bank of Alabama, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on banks, banking and currency.

Mr. Van De Graaft introduced a bill for the relief of Alexander Bean, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on divorce and alimony.

Mr. Lyon presented a petition of sundry citizens of Marengo county, praying that the tax on certain arms therein

named be repealed, which was referred to the committee on military.

Mr. Lyon presented a petition of sundry citizens of Marengo county, asking the repeal of a certain law therein named, relating to public roads, which was ordered to lie on the table.

The following message was received from the Senate :

SENATE, January 21, 1861.

*Mr. Speaker :* The Senate has originated and passed a bill of the following title :

For the relief of the children of Gabriel Wharton Long.

The Senate has passed the following House bills :

To repeal an act approved December 3, 1857;

To repeal an act therein named relating to public roads in Marengo county.

The Senate has also amended, as therein shown, and passed the House bill :

To guard the State from invasion by sea.

M. TAUL, Secretary.

Mr. Powell presented the petition of sundry citizens of Tuscaloosa county, praying for the relief Wm. H. Chesnut, which was referred to the committee on ways and means.

Mr. Whitfield presented a petition for the relief of Mary E. R. Douthitt, which was referred to the committee on local legislation.

The House concurred in the Senate amendment to House bill to prevent the invasion of the State of Alabama by sea.

Mr. Whitfield offered the following resolution. Adopted :

*Resolved*, This His Excellency, the Governor of Alabama be and he is hereby requested to communicate to the House, as early as practicable, what military companies have been called into the service of the State since the last session of the General Assembly, the date at which their services commenced, the kind of service in which they have been or are engaged, and all other items of extraordinary service or expenditures for which the means of payment are to be provided at the present session of the General Assembly.

Mr. Woods offered the following resolution :

*Resolved*, That the joint committee appointed by the Senate and House of Representatives, whose duty it is to ascertain and report the condition of the Central, Commercial and Eastern Banks, are instructed to report fully the true condi-

tion of said Central bank, fully and in all respects, and what is the amount of liabilities of said bank, and in what the same consists; and what is the amount of the assets of said bank, and in what the same consists; and what has been the character of the business of said bank, and the mode and manner in which it has been done since said bank has suspended specie payments; and what has been the amount of the discounts of said bank since it suspended specie payments; when and to whom discounts have been made, and when its discount paper has in each case been made payable, and what amount of profits have been made by said bank in its business since it suspended specie payments, and how the profits have been made; what amount of exchange has been bought and sold by said bank since it suspended specie payments, and the place or places on which it has been bought or sold, and at what rate the same has been bought or sold in each instance; whether said bank, since it suspended specie payment, has bought or sold exchange on any place or places, by or through any agent, agents or agencies whatever, outside of its bank building or regular place of business, and if yea, when? what amount or amounts? and at what price or prices? and by or through whom or what agent, or agencies? and what, if any, is the amount of the indebtedness of each officer, director or employee of said bank to said bank, and how, when and for what the same was contracted in each instance; and what amount of cotton, if any, has been bought by said bank, or by any officer, agent or employee of said bank, since it suspended specie payments; and at what price or prices, and when and where and for what price or prices the same was sold; and what amount of cotton, if any, is now owned or held by said bank.

*Resolved, further,* That for this purpose, said committee shall have the right of the free access to, and examination of all the books and papers of said bank in prosecuting its inquiries hereunder; and that said committee shall have the power to send for persons and papers, and to swear, under oath, the officers and employees of said bank, or any of them, and any other person or persons, and to take down and report their evidence in the prosecution of their inquiries hereunder; and that said committee report to this House as early as practicable.

The hour of 12 having arrived—

The general orders were suspended for the purpose of disposing of the resolution under consideration.

Mr. Rice moved the indefinite postponement of the resolution.

Mr. Clitherall moved to lay the resolution on the table, and the motion prevailed. Yeas 50—Nays 32.

YEAS—Messrs. Bell, Bibb, Bowen, Blake, Bradley, Bryan, Bush, Carter, Cary, Clayton, Clitherall, Coleman, Dark, Davis, Ferrell, Forney, Fountain, Griffin of Jackson, Griffin of Marshall, Hale, Herman, Hightower, Hobbs Hudgins, Humphries, Irby, Jack, Knox, Lowe, Lyon, Mabrey, McMurray, Meadows, Neal, Overall, Parsons, Powell, Pratt, Rice, Scott, Seal, Shepard, Sherrod, Smith of Lauderdale, Tate of Macon, Thomas, Walden of Coosa, Walden of Morgan, Walker, Whitfield.

NAYS—Mr. Speaker, Abney, Aldridge, Barlow, Brown, Calhoun, Carlyle, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Davidson, Fielder, Gibson, Goldsmith, Griffin of Dale, Hearin of Clarke, Holley of Covington, Jones, Latham, Lloyd, Martin, Milsap, Slater, Smith of Coosa, Starke, Tait of Wilcox, Van DeGraaff, Warren, White, Woods.

Mr. Overall introduced the following resolution :

*Resolved*, That the committee on patents and copyrights be instructed to inquire into the expediency of passing such act or acts by the General Assembly as may be necessary to protect the rights and interests of Southern patentees and authors and their assignees who may reside in this State, or in States that have, or may hereafter secede from the Federal Union, and report by bill or otherwise.

Mr. Parsons moved to amend by adding—

“And to protect those or their assignees in the enjoyment of any patents and copyrights which may have been granted by the Federal Government.” Adopted.

#### ORDERS OF THE DAY.

Senate bill to prevent fish from being taken with nets seines or traps in the Tennessee river and its tributaries, which bill was read a 1st and 2d time, under a suspension of the constitutional rule, and on motion of Mr. Smith, of Lauderdale, laid on the table.

Senate bill for the relief of the children of Gabriel Wharton Long, was read a first and second time, under a suspension of the constitutional rule, and referred to the judiciary committee.

The engrossed bill to divorce Arthur Beardin from his wife Nancy A. Beardin, and to divorce other parties therein named, was read a third time and passed.

Leave of absence was granted Messrs Holley and Adams.

Mr. Starke, from the committee on divorce and alimony, reported the following bill:

To divorce Rachel St. Withers from Francis T. Withers, which was read a 1st, 2d and 3d time, under a suspension of the constitutional rule, and passed.

When, on motion—

The House adjourned until half-past ten o'clock to-morrow.

HOUSE OF REPRESENTATIVES, }  
Tuesday, January 22d, 1861. }

House met pursuant to adjournment.

Journal of yesterday read, corrected and approved.

Mr. Speaker laid before the House a communication on Direct Trade matters, from Robert M. Livingston, and introduced a bill to be entitled, An Act to authorize the Governor of the State of Alabama to refund Robert M. Livingston his expenses incurred in going abroad and opening up Direct Trade between the Southern States and foreign countries, and in which Alabama has been properly arranged for. Read 1st and 2d time and referred to committee on commerce.

Leave of absence was granted Mr. Knox.

#### CALL OF COUNTIES.

Mr. Barlow introduced a bill to repeal an act to render more efficient the system of free public schools in the State of Alabama, so far as it relates to the county of Baldwin. Read a 1st and 2d time, under a suspension of the constitutional rule, and referred to the committee on education.

Mr. Cooper: To regulate the practice of the Supreme Court.

Mr. Griffin, of Dale: To compensate jurors of coroner's inquests.

Mr. Fountain: To alter and amend section 2165 of the Code.

Mr. Brown: To authorize the hiring out of the convicts of the Penitentiary.

The following bills were read a 1st, 2d and 3d times, under a suspension of the constitutional rule, and passed :

Mr. Bush : A bill to establish a medical board in St. Clair county.

Mr. Walden of Coosa : To repeal in part an act, approved February 24th, 1860, to amend section 499 of the Code, so far as Lauderdale and Coosa counties are concerned.

Mr. Chambers introduced a bill to amend an act entitled, An Act to incorporate the South-Western Railroad Company, which was read a 1st and 2d time under a suspension of the constitutional rule, and referred to the committee on internal improvements.

Mr. Clayton introduced a bill to encourage the manufacture of cannon in the State, which was read a 1st and 2d time, under a suspension of the constitutional rule, and referred to the committee on ways and means.

Mr. Lowe introduced a bill to amend an act to provide for an efficient military organization of the State of Alabama, approved February 24th, 1860, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on military.

Mr. Walden, of Morgan, introduced a bill to incorporate the North Alabama Steamboat Company, which was read a 1st and 2d time, under a suspension of the constitutional rule, and referred to the committee on corporations.

Mr. Irby presented the petition of M. J. Keenan and others, of Dallas county, which was referred to the committee on accounts and claims.

Mr. Forsyth offered the following resolution :

*Resolved*, That his excellency, the Governor, be requested to report to this House the number of employees in the custom-house at Mobile, the nature of their duties, and whether, in his opinion, there are not several offices in that department of the public service which may be, and should be abolished, with a due regard to State economy. Adopted.

Mr. Speaker decided that messages from the Convention and Senate were next in order. After the disposal of the business under consideration, from which decision Mr. Clitherrall, to settle the rule, appealed, the question being, "Shall the decision of the chair stand as the decision of this House?" and the decision of the chair was sustained unanimously.

A message was received from the Convention by Mr. Price, transmitting an ordinance to provide for the military

defence of the State of Alabama, which, on motion of Mr. Lyon, was referred to the military committee.

The following messages were received from the Senate:

SENATE, January 22, 1861.

*Mr. Speaker:* The Senate has passed the following House bills:

To amend an act for the preservation of game in the county of Sumter;

To divorce Elijah Moncrieff from Elizabeth Moncrieff, and to divorce other persons therein named.

The Senate has originated and passed a bill to amend the charter of the city of Montgomery.

The Senate has adopted the following resolution:

*Resolved,* That with the concurrence of the House, the two Houses meet in convention in the hall of the House on Thursday, the 24th inst., at 12 o'clock m., for the purpose of electing a chancellor for the southern chancery division of the State, and also, for the purpose of electing a solicitor for the seventh judicial circuit of the State.

Concurred in.

M. TAUL, Secretary.

The Senate bill to amend the charter of the city of Montgomery was a read first, second and third time, under a suspension of the constitutional rule, and passed.

The House resumed the consideration of the adverse report to the bill to regulate and define the duties and liabilities of railroad companies, &c.

The question being upon a concurrence of the report, the House refused to concur.

Mr. Hudgins moved to amend as follows:

*Provided,* That on the trial of any cause arising under this act, it shall appear that the plaintiff had assembled his or her stock on the railroad against which suit is brought, then the plaintiff shall not recover.

The bill was then read a third time forthwith.

Mr. Whitfield moved to lay the bill on the table. Yeas 25—Nays 55.

AYES—Messrs. Abney, Brown, Bradley, Bush, Carey, Chambers, Clayton, Clitherall, Cooper, Forney, Griffin of Dale, Hale, Hearin of Clarke, Huckabee, Irby, Knox, Lyon, Powell, Pratt, Rice, Shepard, Tate of Macon, Thomas, Whitfield, Woods.

NAYS—Messrs. Adams, Aldridge, Bell, Bibb, Brooks,

Burgess, Calhoun, Carlyle, Carter, Clapp, Clifton, Coleman, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Flake, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Herman, Hightower, Hobbs, Holley of Covington, Hudgins, Jack, Jones, Lane, Latham, Lloyd, Mabry, McMurray, Meadows, Millsap, Neal, Overall, Parsons, Scott, Seal, Sherrod, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Van De Graaff, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Wright.

Mr. Walker moved to re-commit the bill to the judiciary committee, which, on motion of Mr. Lloyd, was laid on the table.

Mr. Powell moved to amend the bill by way of engrossed rider,

*Provided*, The proof hereby required shall apply to the particular place at which the injury was done;

Which rider was read a first, second and third times, and adopted. The bill was then passed.

Mr. Clayton, by leave, introduced a bill to make certain provisions for the volunteers now at Pensacola, which was read a first, second and third time, under a suspension of the constitutional rule, and passed.

Mr. Shepard, from the committee on enrolled bills, reported as correctly enrolled an act to authorize the Governor to employ two secretaries.

Mr. Lyon, from the committee on banks, banking and currency, to which was referred a resolution instructing them to inquire into the expediency of legalizing the suspension of specie payments by the Commercial Bank of Alabama, the Central Bank of Alabama, and the Eastern Bank of Alabama, have instructed me to report a bill:

A bill to legalize the suspension of specie payments by certain banks in Alabama, was read a first and second time, under a suspension of the constitutional rule.

Messrs. Overall, Parsons, Walker, and Walden submitted amendments.

Mr. Lyon moved to postpone the further consideration of the bill and make it the special order for Thursday, 12 o'clock M., and that one hundred and fifty copies be printed.

Mr. Powell moved to postpone the bill and make it the special order for Monday next at 12 o'clock M.

Mr. Chambers called for a division of the question.

The question first was on "printing." Carried.

The question then was on postponement until Monday, and make it the special order of 12 o'clock M. Lost.



Mr. Powell moved to make the bill and amendments the special order for the hour of 12 o'clock M. on Wednesday next.

Carried.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Walker reported a substitute for the bill to amend a certain act therein named.

Adopted. Read three times and passed.

Mr. Walker reported adversely to the bill to repeal an act approved February 14, 1860, which report was concurred in.

Mr. Walker, from the same committee, reported amendments to the bill to amend an act entitled an act to loan and appropriate the three per cent. fund and its interest.

The amendments were adopted.

Mr. Brown moved to postpone the bill and amendments until Thursday, 10 o'clock.

Lost. The bill was then read a third time forthwith and passed.

Mr. Shepard offered the following resolution:

*Resolved*, That from and after to-day the House will meet at 10 o'clock A. M., adjourn at 1½, meet at 3 o'clock P. M., to adjourn at 6 P. M.

Lies over one day.

Mr. Lloyd moved to adjourn until 10 o'clock on to-morrow.

Lost.

Mr. Herman offered the following resolution:

*Resolved*, That it is the sense of this House that no law should be passed legalizing the suspension of any banks of this State without equal relief being given to the people or private citizens of the State, for whose mutual benefit each bank has been created.

Lost.

Mr. Griffin of Marshall, from committee on accounts and claims, reported adversely to the account of J. W. Moore.

Mr. Aldridge asked and obtained leave to withdraw the account,

When, on motion, the House adjourned until 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }  
Wednesday, January 23, 1861. }

House met pursuant to adjournment. Journal of yesterday read and approved.

Leave of absence was granted Messrs. Lowe and Barlow.

Mr. Speaker laid before the House records of divorce, which were referred to the committee on divorce and alimony.

#### CALL OF COUNTIES.

Mr. Adams presented a petition, which was referred to the committee on military.

Mr. Lane presented a petition, which was referred to the judiciary committee.

Mr. Parsons introduced a bill to be entitled an act to amend an act approved the —— day of January, 1861, to authorize the issuance of two hundred thousand dollars (\$200,000) of the bonds of the State of Alabama, having ten years to run and bearing 8 per cent. interest per annum, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on ways and means.

Mr. Meadows introduced a bill to be entitled an act for the relief of Jesse B. Todd and Mary Ann Todd, which was read a first and second time, under a suspension of the constitutional rule.

Mr. Clitherall moved to lay the bill on the table.

Lost.

It was then read a third time, under a suspension of the constitutional rule, and passed and ordered to the Senate.

Mr. Hudgins introduced a bill to be entitled an act to equalize taxation in this State, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on ways and means.

Mr. Martin introduced a bill to be entitled an act for the relief of John Camp of Jefferson county, which was read a first and second time, under a suspension of the constitutional rule, when

Mr. Clitherall moved the following amendment:

And that all persons in Pickens county be released from the penalties attached by law to the playing of dice, if it shall appear that backgammon was the game played, and no money or other thing of value, &c. Lost.

The bill was then read a third time, under a suspension of the constitutional rule.

Mr. Clitherall then moved to lay the bill on the table.

Lost. The bill then passed, and ordered forthwith to the Senate.

Mr. Hobbs presented the petition of sundry citizens of Limestone county, praying for the passage of a law to prevent fish from being taken with nets or seines in the Tennessee river and its tributaries.

Mr. Hobbs moved to take from the table a Senate bill on the same subject.

Carried.

Mr. Cooper moved to amend by adding after the word "Tennessee" "and Coosa," when, on motion of

Mr. Hobbs, the bill and amendments were referred to a select committee, consisting of Messrs. Hobbs, Griffin of Jackson, Clapp, Scott, Walden of Morgan, Sherrod, Jack, and Smith of Lauderdale.

Mr. Clapp introduced a bill to be entitled an act for the relief of James M. Hackney, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on propositions and grievances.

Mr. Walker introduced a bill with a petition to be entitled an act for the relief of Martha B. Adams, which was read a first, second and third time, under a suspension of the constitutional rule, passed, and forthwith ordered to the Senate.

Mr. Forsyth presented a petition of the citizens of Spring Hill, Mobile county, Alabama, praying the Legislature of Alabama to pass a law prohibiting the sale of spirituous liquors within *two* miles of Spring Hill College in any direction, which petition was referred to the committee on propositions and grievances.

Mr. Neal introduced a bill to repeal an act to encourage direct trade between the Southern States and foreign countries, which bill was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on ways and means.

The following bills were introduced, read a 1st and 2d time, under a suspension of the constitutional rule, and referred to the judiciary committee:

By Mr. Powell: To define the liabilities of parties therein named.

By Mr. Tait, of Wilcox: In relation to the abatement of suits brought by the citizens of New York or other States which sanction the doctrine of coercion.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, }  
 Montgomery, Ala., January 22, 1861. }

*Hon. A. B. Meek,*

*Speaker House of Representatives :*

SIR: I have received communications from George N. Gilmer, Tallassee, Tallapoosa county, and Joel S. Matthews, of Dallas county, tendering to the State of Alabama, free of charge, a large number of slaves to do any service necessary to protect and defend the State, and to superintend them themselves. The former offers all his negro men, consisting of a large number, (the exact number not known,) and the latter two hundred. A similar tender of the services of one hundred negro men has been verbally made by Mr. Alexander Davidson, of Perry county, for himself and neighbors.

Such evidences of patriotism are rarely witnessed, and deserve the highest commendation. I submit to the Legislature whether or not it would not be well to accept twenty-five negro men of each of the above named persons for one month, if necessary, to aid in putting Fort Morgan in a proper condition for defence.

I am informed that a considerable amount of labor is requisite in erecting banks of sand, and in ditching around and about said Fort, some of which, being deemed indispensable for the protection of the place, is now being done by the soldiers and hands employed for that purpose. As to the economy of the proposition, and the saving to the State, there can be no doubt. The only thing that appears extravagant in regard to it is that there are men among us of such extraordinary liberality for the public good.

Very Respectfully,

A. B. MOORE.

When, on motion of Mr. Walker, it was referred to the committee on military, to prepare a bill in accordance with the message.

EXECUTIVE DEPARTMENT, }  
 Montgomery, Ala., January 22, 1861. }

*To Hon. A. B. Meek,*

*Speaker House of Representatives :*

SIR: I herewith transmit to the House of Representatives two letters, one from Col. Chas. T. Pollard, President of the Alabama and Florida Railroad Company, from Montgomery to the Florida line, and the other from Col. Wm. H. Chase,

President of the same road from Pensacola to the Alabama line, setting forth the importance and necessity of a speedy completion of said road. The argument in its favor is fully set forth in the letters referred to. It will be seen that the Alabama portion of said road needs a loan of forty thousand dollars to complete the work at an early day. The advantages that may result from having said road completed at an early a day as possible, both to the States of Alabama and Florida, in a military point of view, for the transportation of troops, arms, ammunition, etc., are beyond question. I do not know what amount of means the Legislature proposes to raise for the protection and defence of the State in the present crisis; it will therefore be for the Legislature to determine whether or not the State can loan the sum of forty thousand dollars asked for by the President of said road. If, however, a sufficient amount of money should be appropriated for the defence of the State to authorize the loan of the sum suggested, it would, in my opinion, be expedient to do so.

Very Respectfully,

A. B. MOORE.

Which, on motion of Mr. Parsons, was referred to the committee on ways and means.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 22, 1861. }

*Hon. A. B. Meek,*

*Speaker of House of Representatives :*

SIR: The following resolutions have been handed me by the Clerk of the House of Representatives :

*Resolved*, That the Governor, if not incompatible with the public interest, be requested to communicate to this House—

1st. What amount of arms, and of what description are now belonging to, or are under the control of the State, and where they are.

2d. What amount of ammunition, and of what description, is now belonging to the State, or is within its control, and where the same is?

3d. What amount of arms, and of what description he has purchased out of the appropriation made at the last session, and by whom purchased, and what amount he has expended, and how much of said appropriation is now on hand?

4th. What number of companies within the State have been furnished with arms, and what companies, and what character of arms has been furnished each company?

In answer to the first resolution, I have purchased under the act of the last General Assembly, (9562,) nine thousand five hundred and sixty-two; consisting of muskets, rifles, carbines, pistols and sabres, a part of which have been issued to volunteer companies, and the balance are in the Arsenal at this place. Besides these, there are under the control of the State at Mt. Vernon, about (20,000) twenty thousand muskets, (2,000) two thousand rifles, and (21) twenty-one pieces of ordinance, consisting of (24) twenty-four and (32) thirty-two pounders.

To the second resolution, I state that I have purchased (700) seven hundred kegs of powder, of (28) twenty-eight pounds each; (300) three hundred of which are cannon powder, and (400) four hundred musket and rifle. I have also purchased (20,000), twenty thousand pounds of lead. In the magazine at Mount Vernon there are (103,270), one hundred and three thousand two hundred and seventy pounds of cannon powder, (1100) eleven hundred pounds of musket powder, (14,600) fourteen thousand six hundred pounds of rifle powder, and (276), two hundred and seventy-six pounds of meal powder.

To the third resolution, I state as above, that I have purchased under the act of the last General Assembly, (9,562) nine thousand five hundred and sixty-two arms; they are of the following descriptions: 300 Adam's revolvers, purchased by Wm. Wright, of Schuyler, Harley & Graham, New York; 1,400 Colt's Revolvers, of Samuel Colt, 300 of which were purchased by Genl. Benj. McCullough, and the balance by R. T. Thom, Quarter Master General, and myself; 400 Sharp's Cavalry Carbines, purchased by myself of Sharp's Rifle Manufacturing Company, New Haven, Conn., 150 Smith's Cavalry Carbines, purchased by myself of Poultray & Trimble, Baltimore, 240 Sharp's Infantry Rifles, purchased by myself of Sharp's Rifle Manufacturing Company, New Haven, Conn., 3,500 United States Muskets, purchased by Quarter Master General and myself of the government of the United States, 840 Mississippi Rifles, purchased by myself of Hitchcock, Montgomery, 80 Mississippi Rifles, with sword bayonets and accoutrements, purchased by myself of the Independent Rifle Company at Montgomery, 1,400 sabres and belts of Ames' Manufacturing Company, 300 of which were purchased by Genl. Benj. McCullough, and the balance by Quarter

Master General and myself, 1,480 Minnie muskets, balls and moulds, purchased by J. R. Powell, of Belknap & Saunders, New York, 10 six pounder rifled cannon, contracted for with Ames' Manufacturing Company, by J. R. Powell, 2 long columbiads, ordered by myself from Talmadge Iron Works, Richmond, Va. Up to the 10th of January, there was had out of the fund referred to, \$91,470 98, since that time there has been paid \$3,862 61; making \$95,333 59, paid out of the fund, and leaving a balance to the credit of the fund of \$105,666 41. The cannon and some of the small arms contracted for have not arrived, and have not been paid for, and will not until they are received. I suppose \$30,000, will be required to pay for them, should they be received, as they may be intercepted by the federal government.

In answer to the fourth resolution, I state that about seventy-five companies have been furnished with arms. As to the character of arms furnished each company, I cannot state without the aid of the Quarter Master General, who is absent on necessary business.

There may be some slight inaccuracies in the above statement, resulting from the hurried manner in which I have been compelled to make answers to the above resolutions.

Very respectfully,

A. B. MOORE.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Walker, from the judiciary, to which was referred a resolution instructing them to inquire into the expediency of passing a law to require all free persons of color to leave the State within a given time, reported the following bill to relieve the State of free negroes, which was read a first and second time, under a suspension of the constitutional rule, and made the special order for 12 o'clock, M., on Saturday.

Mr. Carlyle, reported a substitute to the bill to compensate jurors on Coroner's inquests, which was adopted, read third time forthwith and passed.

Mr. Rice, reported favorably to the bill for the relief of Lucretia Davidson, which was read a third time forthwith and passed.

Mr. Rice, reported adversely to the bill to amend section 1856 and 1857 of the Code, which report was concurred in.

#### REPORTS FROM THE COMMITTEE ON WAYS AND MEANS.

Mr. Irby reported an amendment to the bill to provide for

the officers of the General Assembly, and of the delegates and officers of the Convention of the people of Alabama, now in session at Montgomery, and for other purposes, which was adopted.

The bill was then read a third time forthwith and passed.

Mr. Irby, from the same committee, asked to be discharged from the further consideration of a similar bill, which, on his motion, was laid on the table.

Mr. Irby, from the same committee, reported a substitute to exempt from tax revolving pistols and other arms kept for military purposes, which substitute was adopted.

Read a third time forthwith and passed.

Mr. Irby, from the same committee, reported adversely to a resolution postponing the payment of the sterling bonds of the State falling due in 1863.

Concurred in.

Mr. Hale, from the military committee, reported adversely to the petition of R. Blair, Mayor of Tuscaloosa.

Concurred in.

The following message was received from the Senate:

SENATE, January 23, 1861.

*Mr. Speaker:* The Senate has originated and passed a bill to extend the time for the payment of taxes into the State Treasury, and for other purposes.

The Senate has passed the following House bills:

To repeal an act therein named, relating to steam mills in Jackson county;

To authorize the owners of steam grist mills in the county of Sumter to take the sixth as toll for grinding;

To repeal section 6 of an act approved February 21, 1860;

To prevent the sale of spirituous or intoxicating liquors within three miles of Moore's Bridge Post-office, in the county of Tuscaloosa, and Dublin Academy in Bibb county;

For the relief of John Owens and Daniel Freeman of Jackson county;

To dispose of free negroes in the State of Alabama.

The Senate concurs in the resolution of the House appointing a joint committee of the two Houses to examine and report upon the condition of the Central, Commercial and Eastern Banks of Alabama, &c.

Messrs. Patton, Calhoun and Toulmin compose the committee on the part of the Senate.

M. TAUL, Secretary.



SENATE, January 23, 1861.

*Mr. Speaker:* The Senate has amended and passed the House bill to provide for the military defence of the State of Alabama.

M. TAUL, Secretary.

A MESSAGE FROM THE CONVENTION.

*Mr. Speaker:* I am instructed by the Convention to transmit to your honorable body the accompanying ordinance, adopted this day.

FRANK L. SMITH,  
Assistant Secretary.

January 23, 1861.

An ordinance to recognize the militia of the State of Alabama, which was referred to the military committee.

Mr. Hobbs, from the committee on internal improvements, reported favorably on the bill amendatory of an act to incorporate the Bank of Alabama, and for other purposes, approved February 13, 1860.

Mr. Parsons moved to amend as follows:

On condition that said bank, in the event the stock is not taken within two years from the date of the original bill, will receive the bills of all specie-paying banks in this State on deposit at par so long as they pay specie on demand in redemption of their bills.

Mr. Walker moved to amend the amendment as follows:

*Provided,* That said other banks furnish the said Bank of Alabama with the means of redeeming their bills or notes in specie.

Mr. Clitherall moved to lay the amendment of Mr. Parsons on the table.

Yeas 24—Nays 48. Lost.

AYES—Mr. Speaker, Abney, Bradley, Bryan, Carey, Clayton, Clifton, Clitherall, Cooper, Cunningham of Cherokee, Davidson, Fountain, Griffin of Marshall, Hall, Hudgins, Irby, Mabry, Overall, Scott, Tate of Macon, Walker, White, Whitfield, Woods.

NAYS—Messrs. Aldridge, Bell, Bibb, Brown, Burgess, Bush, Carter, Clapp, Coleman, Cowan, Ferrell, Fielder, Flake, Forney, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Humphries, Lane, Latham, Lloyd, Martin, McMurray,

Meadows, Millsap, Neal, Parsons, Powell, Pratt, Seal, Shepard, Sherrod, Smith of Coosa, Tait of Wilcox, Thomas, Van De Graaff, Walden of Coosa, Walden of Morgan, Warren.

Mr. Parsons moved to lay Mr. Walker's amendment on the table.

Yeas 48—Nays 27. Carried.

YEAS—Messrs. Adams, Aldridge, Bell, Bibb, Brown, Burgess, Bush, Carlyle, Carter, Clapp, Clifton, Coleman, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Goldsmith, Griffin of Dale, Griffin of Jackson, Herrin of Clarke, Hearin of Tallapoosa, Hightower, Holley of Covington, Hudgins, Humphries, Jones, Lane, Latham, Lloyd, Mabry, Martin, McMurray, Meadows, Millsap, Neal, Parsons, Pratt, Seal, Shepard, Sherrod, Smith of Coosa, Tait of Wilcox, Walden of Coosa, Walden of Morgan.

NAYS—Messrs. Speaker, Abney, Bradley, Bryan, Carey, Clayton, Clitherall, Coleman, Cooper, Cunningham of Macon, Fountain, Gibson, Griffin of Marshall, Hale, Hobbs, Irby, Overall, Powell, Rice, Scott, Tate of Macon, Thomas, Van De Graaff, Walker, Warren, White, Whitfield, and Woods.

Mr. Walker moved to amend the amendment as follows:

*Provided*, That said Bank of Alabama may pay out the said notes of other banks so deposited.

Mr. Smith of Lauderdale, moved to lay the amendment of Mr. Walker on the table.

Mr. Clitherall moved the previous question.

Mr. Abney moved to adjourn until 10½ o'clock to-morrow.

Lost.

The question then was on Mr. Clitherall's motion for the previous question.

Lost. Yeas 27—Nays 53.

YEAS—Messrs. Abney, Adams, Bradley, Brooks, Brown, Bryan, Calhoun, Carey, Clayton, Cunningham of Macon, Flake, Forsyth, Fountain, Griffin of Dale, Griffin of Marshall, Hall, Hobbs, Hudgins, Irby, Mabry, Rice, Scott, Smith of Lauderdale, Tate of Macon, Walker, Whitfield, Woods.

NAYS—Messrs. Aldridge, Bell, Bibb, Burgess, Bush, Carlyle, Carter, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Gibson, Goldsmith, Griffin of Jackson, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower,

Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Jack, Jones, Lane, Latham, Lloyd, Martin, McMurray, Meadows, Millsap, Neal, Parsons, Powell, Pratt, Seal, Shepard, Sherrod, Smith of Coosa, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Warren, Wright.

Mr. Parsons moved to lay the amendment of Mr. Walker on the table.

Mr. Clitherall moved to reconsider the vote refusing to sustain the call for the previous question.

At 10 minutes after 2 o'clock p. m., Mr. Clitherall moved to adjourn.

Carried. Yeas 42—Nays 40.

YEAS—Messrs. Speaker, Adams, Blake, Bradley, Brown, Bryan, Burgess, Carlyle, Carey, Clayton, Clitherall, Cooper, Cowan, Dark, Fielder, Flake, Forney, Forsyth, Fountain, Goldsmith, Griffin of Dale, Hale, Herrin of Tallapoosa, Herman, Hobbs, Huckabee, Hudgins, Irby, Mabry, Overall, Powell, Rice, Scott, Seal, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walker, Warren, White, Whitfield, Woods.

NAYS—Messrs. Abney, Aldridge, Bell, Bibb, Brooks, Bush, Carter, Clapp, Clifton, Coleman, Cunningham of Cherokee, Davidson, Ferrell, Gibson, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Jones, Lane, Latham, Lloyd, Martin, McMurray, Meadows, Millsap, Neal, Parsons, Pratt, Shepard, Sherrod, Smith of Coosa, Thomas, Van De Graaff, Walden of Coosa, Walden of Morgan, Wright.

HOUSE OF REPRESENTATIVES, }  
Thursday, January 24, 1861. }

House met pursuant to adjournment. Journal of yesterday read and approved.

The Speaker laid before the House records of divorce, which were referred to the committee on divorce and alimony.

The Speaker laid before the House a communication from the late door-keeper, Mr. W. H. Coker, which was laid on the table.

Mr. Hale offered the following resolution, which was adopted:

WHEREAS, The corps of Cadets, composed of the students of the University of Alabama, under the command of Col.

Huse, have by authority of the Governor, presented themselves at the capital of the State, in order that the Representatives of the people may have some practical knowledge of the operation and effect of the law of the last session establishing a military department of the University, and judge of the future usefulness and efficiency of the corps in the event their services should be needed by the State:

*Resolved, therefore,* With the concurrence of the Senate, that a joint committee be appointed, to consist of three members on the part of each House, to make such arrangements for the reception of the corps, and for ascertaining in such mode as they may deem best, their progress in military knowledge.

The Speaker appointed Messrs. Hale, Tate of Macon, and Irby said committee.

The House concurred in the amendments of the Senate to House bills:

To raise money to provide for the military defence of the State of Alabama;

To make certain provisions for the volunteers now in service at Pensacola.

Senate Bills:

For the payment of taxes into the State Treasury and for other purposes, was read the first time, constitutional rule suspended, read the second time and referred to the committee on ways and means.

To dispose of the free negroes in the State of Alabama, was read the first time, constitutional rule suspended, read the second time and referred to the committee on the judiciary.

#### CALL OF COUNTIES.

Mr. Adams introduced a bill for the relief of W. D. Perryman, Sheriff of Butler county, which was read, constitutional rule suspended, a second time, and referred to committee on accounts and claims.

Mr. Forney introduced a bill to appropriate and dispose of the two per cent. fund now in the Treasury of the State, which was read a first and second time, constitutional rule suspended, and referred to committee on internal improvements.

Mr. Millsap introduced a bill to repeal section 3048 of the Code, which was read first and second time, the constitutional rule being suspended.

Mr. Cunningham, of Macon, moved to lay the bill on the table.

Yeas 38—Nays 38. Motion was lost.

YEAS — Messrs. Speaker, Adams, Bell, Bowen, Blake, Bradley, Brooks, Bush, Calhoun, Carlyle, Carter, Carey, Clayton, Clitherall, Cunningham of Macon, Davidson, Fountain, Gibson, Goldsmith, Hale, Herman, Hobbs, Hudgins, Irby Lyon, Mabry, Martin, Overall, Pratt, Scott, Shepard, Smith, of Lauderdale, Tate of Macon, Van De Graaff, Walker, White, Whitfield, Wright.

NAYS—Messrs. Abney, Aldridge, Bibb, Brown, Burgess, Clifton, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Ferrell, Flake, Forney, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Jack, Jones, Lane, Latham, Lloyd, McMurray, Millsap, Meadows, Neal, Sherrod, Smith of Coosa, Tait of Wilcox, Thomas, Walden of Morgan, Warren.

The bill was then referred to the judiciary committee:

Mr. Warren introduced a bill to establish a Medical Board of Physicians in Coffee county, and for other purposes therein named, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on local legislation.

Mr. Clitherall introduced a bill to secure the speedy completion of the Alabama and Florida Railroad, and to secure to the State of Alabama the means for transportation of men and munitions over said road, which was read a first time, the constitutional rule being suspended, read a second time, and referred to the committee on ways and means.

Mr. Mabry introduced a bill to secure the sale of the bonds of the State of Alabama to the Bank of Selma at par, and for other purposes, which was read a first and second time, under a suspension of the constitutional rule, and referred to committee on banks, banking and currency.

Mr. Rice introduced a bill with petition, to punish sales of liquor by free negroes to slaves, and for other purposes;

Also, a bill for the relief of Cornelia S. Lee;

Which bills were severally read a first and second time, under a suspension of the constitutional rule, and referred to the judiciary committee.

Mr. Seal introduced a bill for the more effectually to secure subordination among slaves in the county of Shelby;

Also, a bill to prohibit the sale of spirituous liquors within

three miles of Lineville Baptist Church, in the county of Shelby;

Which bills were severally read a first, second and third time, under a suspension of the constitutional rule, and passed.

Mr. Carter introduced a bill to establish a Medical Board in the county of Talledega, which bill was read a first, second and third time, under a suspension of the constitutional rule, and passed.

Mr. Tait of Wilcox, introduced a bill to repeal a proviso in section 3d of an act entitled an act to provide for an efficient military organization in the State of Alabama, so far as relates to Wilcox county, which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on military.

Mr. Starke presented a petition of J. H. Gibson and others, which was referred to the committee on education.

Mr. Holley of Tallapoosa, presented the petition of Jonathan Nix of Tallapoosa county, which was referred to the committee on ways and means.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 23, 1861. }

*Hon. A. B. Meek,*

*Speaker of the House of Representatives :*

SIR: The following resolution has been handed me by the Clerk of the House of Representatives :

*Resolved,* That the Governor of the State be requested to communicate to this House what has been done under the provisions of an act approved February 24, 1860, entitled "an act to secure the State of Alabama, the lands appropriated to the State of Arkansas and other States to reclaim the swamp lands within their limits by act of Congress, approved September 28, 1850."

In obedience to the foregoing resolution I submit the following statements:

In a few days after the passage of the act referred to, and in pursuance of the provisions thereof, I appointed Peter Forney of the Lebanon Land District, S. S. Houston of the St. Stephens' Land District, A. L. Jones of the Elba Land District, and J. R. Powell of the Montgomery Land District, agents to select the swamp and overflowed lands. After

giving bonds and qualifying as the law directs, they entered upon the discharge of their duties in May last.

Under the 5th section of said act I agreed to pay said agents twenty per centum on the amount of money secured to the State of Alabama, and twenty per centum on the proceeds of the lands for which the said State should receive patents. I was unable to make a contract at any lower rate in consequence of the uncertainty as to the quantity of swamp and overflowed lands, and the fact that a very large portion of it was worth little or nothing; and also, the further consideration of the large amount of money they would have to expend out of their own pockets in employing surveyors and other agents necessary in selecting lands, in order to comply with the act of Congress donating the same. It will be seen by the provisions of the act that the agents could receive no pay for their services until the lands had been selected and sold, or upon patents being secured for the same to the State.

Taking these facts into consideration, I determined to allow them the per centum above stated, finding it out of my power to employ agents at a less rate. For the action of said agents I refer you to the letter of S. S. Houston, herewith transmitted:

“In June last I was advised by the Secretary of the Interior that by the construction put upon the several acts donating swamp and overflowed lands to Mississippi, Arkansas, Alabama and Wisconsin, Alabama would not be permitted to select swamp and overflowed lands that had been sold by the Federal government since the passage of the act of Congress of 28th Sept., 1850, and that the selections for the State would be confined to the unsold swamp and overflowed lands. This construction of the law I deemed not only erroneous but unjust, and so stated in a legal argument prepared and forwarded to the department asking a reconsideration of the matter, or that it might be referred to the Attorney-General of the United States, both of which the Secretary of the Interior declined to do. At my instance, Mr. Curry, a member of Congress from Alabama, prepared and introduced a bill in the House of Representatives providing that the Federal Government pay over to the State of Alabama the nett proceeds of the swamp and overflowed lands sold by the Federal government since the 28th of September, 1850. The bill failed to become a law, as it was introduced only a few days before the close of the last session of Congress.”

This constitutes all the action that has been taken under the act referred to in the resolution.

Very respectfully,

A. B. MOORE.

Which message was referred to a committee on swamp and overflowed lands.

The following message was received from the Governor's secretary, Mr. Watkins Phelan :

*Mr. Speaker:* His excellency has approved bills which originated in the House of Representatives of the following titles :

An act to authorize the governor to employ two secretaries ;

An act for the relief of the heirs of Narcissa J. Burke, late of Tallapoosa county ;

An act to guard the State from invasion by sea ;

An act to repeal an act therein named, relating to public roads in Marengo county ;

An act to repeal an act approved December 3, 1857.

WATKINS PHELAN.

Message from the Senate :

JANUARY 23, 1861.

*Mr. Speaker:* The Senate has adopted the following resolution :

*Resolved,* That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Thursday, the 24th inst., for the purpose of electing a Treasurer and Comptroller of Public Accounts.

The following message from the Convention was received :

JANUARY 24, 1861.

*Mr. Speaker:* I am directed by the Convention to deliver to your honorable body the accompanying ordinances, passed January 23, 1861.

FRANK L. SMITH,  
Assistant Secretary.

An ordinance to preserve the laws of Alabama and such offices, rights and remedies as are consistent with the ordi-



nance of secession and with other ordinances adopted by this Convention, which was referred to the judiciary committee.

An ordinance supplemental to an ordinance heretofore passed in reference to the Custom House at Mobile, which was referred to the committee on commerce.

SENATE, January 23, 1861.

*Mr. Speaker:* The Senate has amended and passed the following House bills:

To prohibit the sale of spirituous or intoxicating liquors within one mile of Dublin Academy, in Perry county, and Spring Hill Academy or Spring Hill Church, in Pickens county;

To authorize Talbot Adams and Andrew Lyon to construct gates across the Vienna and Cooksville road in Pickens county;

For the relief of Martha B. Adams;

To give the Judge of Probate of Dallas county jurisdiction over the estate of Robt. Craig, deceased, late of Sumter county.

The Senate has originated and passed a bill to repeal, in part, section 2 of an act therein named;

Also, joint resolutions in relation to the present crisis in public affairs;

Also, a bill to remove the administration of the estate of Thomas Green from the county of Winston to the county of Lawrence in this State.

M. TAUL, Secretary.

The House concurs in the Senate amendments to the House bills:

To prohibit the sale of spirituous or intoxicating liquors within one mile of Dublin, in Perry county, and Spring Hill Academy or Spring Hill Church, in Pickens county;

To authorize Talbot Adams and Andrew Lyon to construct gates across the Vienna and Cooksville road in Pickens county, and to amend section 1177 of the Code.

Senate Bill,

To repeal, in part, section 2 of an act therein named, was read the first time, the constitutional rule being suspended, was read the second time.

Mr. Clitherall moved to amend by adding "or usual Tennessee produce."

Mr. Walden, of Coosa, moved to amend the amendment by adding "or dry goods," which, on motion, was referred to committee on ways and means.

Senate joint resolution, in relation to the present crisis of public affairs, was read and adopted. Yeas 84—Nays none.

YEAS—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowen, Blake, Bradley, Brooks, Brown, Bynum, Burgess, Bush, Calhoun, Carlyle, Carter, Carey, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Davidson, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hudgins, Humphries, Irby, Jack, Jones, Lane, Latham, Lloyd, Lyon, Mabry, Martin, McMurray, Meadows, Millsap, Neal, Overall, Parsons, Powell, Pratt, Rice, Scott, Seal, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Van De Graaff, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods, Wright.

NAYS—None.

Mr. Smith, of Lauderdale, moved that the House take recess until 12 o'clock:

Carried.

The House met at 12 o'clock, when the Senate, by invitation, appeared in the hall of the House and the two Houses in joint convention, proceeded to the election of a Chancellor for the Southern Division of Alabama.

Messrs. J. McC. Wiley and N. W. Cocke, being in nomination.

Those who voted for Mr. Wiley are Messrs. Brewer, Burnett, Higgins, Hill, Horn, Jackson, Jones of Fayette, McIntyre, McSpadden, Patton, Rowe, Wood, Mr. Speaker, Adams, Bibb, Bowen, Brown, Carey, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Davidson, Flake, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Herrin of Tallapoosa, Herman, Hobbs, Holley of Covington, Hudgins, Humphries, Jack, Jones, Lane, Latham, Lloyd, Meadows, Millsap, Neal, Parsons, Pratt, Seal, Starke, Thomas, Walden of Coosa, Wright—54.

Those who voted for Mr. Cocke are—

Messrs. President, Austin, Bullock, Bynum, Calhoun, Cleveland, Cocke, Felder, Heflin, Jemison, Ligon, Mitchell, Morgan, Stone, Toulmin, Walker, Woodward, Abney, Aldridge, Bell, Blake, Bradley, Brooks, Bryan, Burgess, Bush, Calhoun, Carlyle, Carter, Clapp, Cunningham of

Macon, Dark, Ferrill, Fielder, Forney, Forsyth, Hearin of Clarke, Hightower, Holley of Tallapoosa, Irby, Lyon, Mabry, Martin, McMurray, Overall, Powell, Rice, Scott, [Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Van DeGraaff, Walden of Morgan, Walker, Whitfield—58.

Mr. Cocke having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected Chancellor for the time prescribed by law.

The convention then proceeded to the election of a solicitor for the seventh judicial circuit.

Mr. B. Y. Ramsey being alone in nomination, and having received all the votes given, viz: 114, was declared by Mr. Speaker to have been duly and constitutionally elected solicitor for the time prescribed by law.

The Senate then withdrew to its chamber.

Mr. Starke offered the following resolution:

*Resolved*, By the Senate and House of Representatives of Alabama in General Assembly convened, that the resolutions of the Senate upon the present crisis in public affairs be enrolled upon parchment, and that each member of the Legislature sign the same.

Mr. Hobbs, from the committee to which was referred the Senate bill to prevent fish from being taken with nets or seines in the Tennessee river or its tributaries, reported a substitute therefor.

Mr. Smith, of Lauderdale, moved to amend as follows:

*“ Provided*, This act shall not apply to any person owning the mouth of any spring, branch, or creek.

Mr. Griffin, of Jackson, moved to lay the amendment on the table.

**Carried**, Yeas—39—Nays 26.

**YEAS**—Mr. Speaker, Abney, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Bryan, Carter, Cooper, Cunningham of Cherokee, Cunningham of Macon, Ferrill, Gibson, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Hightower, Hobbs, Holley of Tallapoosa, Hudgins, Lane, Latham, Lloyd, Mabry, McMurray, Milsap, Powell, Pratt, Seal, Shepard, Sherrod, Van DeGraaff, Walden of Morgan, White, Whitfield, Wright.

**NAYS**—Messrs. Brown, Bush, Clitherall, Coleman, Dark, Flake, Forney, Goldsmith, Griffin of Marshall, Herrin of Tallapoosa, Herman, Holley of Covington, Humphries, Jones, Lyon, Martin, Meadows, Overall, Parsons, Scott

Smith of Coosa, Smith of Lauderdale, Thomas, Walden of Coosa, Warren, Wright.

Mr. Herman moved to amend as follows:

*Provided*, This act shall not apply to the citizens of Lauderdale county while they remain within the limits of said county. Adopted.

Mr. Sherrod moved to amend by adding, "Lawrence and Marion." Adopted.

When, on motion of Mr. Clitherall, the bill was laid on the table.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 24, 1861. }

*Hon. A. B. Meek,*

*Speaker House of Representatives:*

DEAR SIR: The following resolution was handed me by the Clerk of the House of Representatives:

*Resolved*, That his excellency, the Governor of Alabama, be and he is hereby requested to communicate to this House as early as practicable, what military companies have been called into the service of the State since the last session of the General Assembly, the date at which their services commenced, the kind of service in which they have been or are engaged, and all other items of extraordinary service or expenditures for which the means of payment are to be provided at the present session of the General Assembly.

In answer to the foregoing resolution, I submit the following statement:

On the 3d of January, three companies were ordered into service to take possession of, and occupy Mt. Vernon Arsenal. On the next night two of these companies were discharged from service. At the same time two other companies were ordered to take possession of, and occupy Fort Morgan, and one company to take possession of, and occupy Fort Gaines. On the 8th day of January six companies were ordered to Fort Morgan. One from Montgomery, under command of Capt. Bibb; two from Selma, under command of Capts. Rush and Goldsby; one from Marion, under command of Capt. Rayton; one from Greensboro, under command of Capt. Jones; and one from Tuscaloosa, under command of Capt. Rhodes, which are now at Fort Morgan. Under a resolution of the Convention, five hundred men were ordered to Pensacola—two companies from Mobile, under

command of Capts. O'Hara and W. S. Taylor; five companies were ordered from this point, on the 8th of January, under command of Captains Andrews, Winter, Farriss, Loomis, Swanson and Willingham. On the 13th of January another company was ordered from this point, under command of Capt. Law, and on the 14th and 16th of January three other companies were ordered from this point, under command of Captains Dixon, Pou and Wimberly. One of the above-named companies, under command of Capt. Willingham, are bearing their own expenses in every respect, and not at the cost of the State. The Convention, by their resolution referred to, appropriated the sum of ten thousand dollars, to be paid out of any money in the Treasury, to provide for the troops sent to Pensacola. There being no money in the Treasury that could be used for this purpose, except the unexpended balance of the military fund, appropriated at the session of the General Assembly, the said sum of ten thousand dollars has been drawn from that fund. Expenses have been incurred in mounting the guns and repairing carriages at Fort Morgan, and in putting said Fort, in other respects, in a proper state of defence; for all of which provision must be made by the Legislature, as well as the amount of ten thousand dollars, drawn as above stated, from the military fund.

The amount expended and to be expended in repairing the Fort I cannot state, but it could not be safely estimated at less than \$25,000.

Very Respectfully,

A. B. MOORE.

Which was referred to the military committee.

The following message from the Convention was received:

*Mr. Speaker:*

I am instructed by the President of the Convention, in compliance with resolutions adopted this day, to present to you, and through you to your body, certain ordinances this day adopted by the Convention, changing and modifying the Constitution of the State.

A. G. HORN,

Secretary of Convention.

Which message was laid on the table.

Mr. Shepard moved to take up and consider his resolution proposing to hold two sessions a day.

Lost. Yeas 39—Nays 41.

YEAS—Messrs. Abney, Aldridge, Bell, Bibb, Bradley, Brooks, Brown, Burgess, Carter, Carey, Clapp, Clayton, Coleman, Cowan, Dark, Davidson, Ferrell, Flake, Fountain, Griffin of Dale, Griffin of Marshall, Hearin of Clarke, Hobbs, Jack, Jones, Lane, Lloyd, Mabry, McMurray, Meadows, Pratt, Shepard, Sherrod, Tate of Macon, Thomas, Walden of Coosa, Walden of Morgan, White, Wright.

NAYS—Messrs. Speaker, Adams, Bowen, Blake, Bryan, Bush, Carlyle, Clifton, Clitherall, Cooper, Cunningham of Cherokee, Cunningham of Macon, Fielder, Forney, Forsyth, Gibson, Goldsmith, Hale, Herrin of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hudgins, Humphries, Irby, Latham, Lyon, Martin, Millsap, Neal, Overall, Parsons, Powell, Scott, Seal, Smith of Coosa, Tait of Wilcox, Van De Graaff, Walker, Warren, Whitfield.

Mr. Shepard moved that the House suspend business to allow him to offer resolution to adjourn on the 29th inst.

House refused to suspend.

Mr. Gibson, from the select committee appointed to inquire into and report the condition of the treasury, made the following

## REPORT.

The select committee appointed to inquire into and report the condition of the Treasury of the State, and to ascertain and report the probable amount of revenue which will be realized during the current fiscal year, also to ascertain and report the present liabilities of this State, foreign and domestic, and the times when the several liabilities of this State become due, ask to make the following report and be discharged from the further consideration of the matters referred to said committee :

Your committee have obtained and herewith submit statements from the Comptroller, Treasurer, and Commissioner and Trustee, covering all the subjects of inquiry designated in the resolution under which the committee was appointed, and which your committee desire to be taken as parts of this report.

The statement submitted from the Commissioner and Trustee shows the foreign debt of the State to be three millions four hundred and forty-five thousand dollars, the principal and interest of which are payable as set forth in said statement. Funds to meet the interest on this debt for the present year have been deposited in the Bank of Mobile.

The statement submitted from the Comptroller shows the domestic debt of the State to be two millions five hundred and eighty-two thousand one hundred and seventy-eight dollars and one cent, made up of items as therein set forth.

The statement submitted by the Treasurer shows cash in the treasury on the 21st of this month..... \$298,668 85

(Approximately) the nett revenue that will come into the treasury during the present fiscal year may be set down at..... 874,000 00

The aggregate of these two sums makes it apparent that the available means of the State during the present fiscal year, and up to its close, will amount to.....\$1,172,668 85

Balance now due from the treasury on appropriations heretofore made.....\$600,650 59

Amount to be paid to educational fund during the present fiscal year..... 285,000 00

Ordinary expenses of government, including pay of convention, for the present fiscal year..... 200,000 00—\$1,085,650 59

It is therefore apparent that, after paying outstanding appropriations, the expenses of the convention, and the usual expenses of the State government, there would remain in the treasury at the close of the year, a balance derived from ordinary revenue sources of.....\$87,018 26

To this balance may be added amount of Virginia and North Carolina six per cent. bonds now in the hands of Commissioner and Trustee ..... 159,000 00

Interest on said bonds now in the hands of the Commissioner and Trustee ..... 19,000 00

Amount of interest accruing on said bonds during the current year..... 4,770 00

Thus leaving in the treasury at the close of the year, including assets of every description... \$269,788 26

Including \$3,514 00 in notes of the State Bank and branches ..... 3,514 00

Which, being deducted, will leave in available funds, the sum of..... \$266,274 26

Respectfully submitted,

A. M. GIBSON,  
N. L. WHITFIELD,  
R. N. WALDEN, } Committee.

## STATEMENT FOR HOUSE COMMITTEE.

*January 21, 1861.*

Balance in Treasury 30th September, 1860 .....	\$604,657 05	
Receipts to date .....	94,799 06	
	<hr/>	\$699,456 11
Disbursements to date.....		400,787 26
		<hr/>
		\$298,668 85
Assessments for tax year 1860.....	\$883,000 00	
Less commissions, insolvencies, &c.	58,000 00	
Nett revenue from assessments.....	<hr/>	\$825,000 00
From principal and interest on 16th section notes.....	\$30,000 00	
Balance on taxes for 1859.....	12,200 00	
Taxes on lands redeemed.....	2,000 00	
From collections by Bank Att'ys...	5,000 00—	49,000 00
		<hr/>
		\$874,000 00

## AMOUNT OF DOMESTIC DEBT.

Amount due 16th section fund...	\$1,516,000 00	
“ “ surplus revenue fund	669,086 80	
“ proceeds of lands in aid of 16th section.....	97,091 21	
Amount due University fund.....	300,000 00—	\$2,582,178 01
Balances due on appropriations as follows :		
To three per ct. fund by act 1860...	\$376,405 09	
To contingent fund.....	11,164 90	
To Smith's justice.....	894 00	
To institution for deaf and dumb...	3,836 11	
To special appropriations.....	511 43	
To geological survey.....	2,559 64	
To insane hospital.....	27,632 43	
To fund for slaves executed.....	11,738 18	
To supreme court library.....	617 95	
To educational contingent fund...	1,374 45	
To interest on University debt due 22d February, 1860.....	9,000 00	
To members of General Assembly, about.....	5,000 00	
To erection of cells in penitentiary	9,250 00	
To improvements of Mobile harbor	16,000 00	
To education of military cadets...	20,000 00	
To military organization .....	104,666 41—	\$600,650 59



This statement is as nearly correct as I am able to make it.  
W. J. GREENE, Contr.

MONTGOMERY, January 21, 1861.

*To the Chairman of the Select Committee appointed to report on  
the Condition of the Treasury :*

SIR : I beg leave to inform you that the outstanding State  
bonds are as follows, viz :

Due in N. Y., 1st May, 1863..	\$1,889,000	5 per cent.	
Due in N. Y., 1st May, 1865...	52,000	" "	
Due in N. Y., 1st May, 1872..	168,000	" "	
	<hr/>		
	\$2,109,000	5 per cent. interest, payable 1st May and 1st Nov.	
		\$52,725 00 each...	\$105,450 00
Due in London, 1st July, 1866...	648,000	5 per cent. interest p'y'ble 1st Jan. and July, \$18,670 96 ea.	35,341 92
Due in London, 1st June, 1870...	688,000	6 per cent. interest, payable 1st June..	45,028 21
Total.....	\$3,445,000		
		Annual interest...	\$185,820 13

The interest on these bonds is paid through the Bank of  
Mobile, by contract, and the money has been deposited for  
that purpose in the Bank of Mobile, for the interest due in  
1861 and on the 1st January, 1862.

I hold in my possession for the State, 18 North Carolina  
bonds, \$1,000 each, and 141 Virginia bonds, \$1,000 each.  
These bonds bear 6 per cent. per annum interest, which is  
payable semi-annually in New York, say 1st January and  
1st July.

I have delivered, on the order of his excellency Governor  
Moore, to Presidents of

Cahaba, M. & G. R. R. Co.....	10	N. C. and 9 Va. bonds...	\$1,000 each
Ala. & Tenn. R. R. Co.....	88	" 84 "	1,000 each
Montgomery and Eufaula.....	16	" 14 "	1,000 each
N. E. & S. West.....	25	" 00 "	1,000 each
Will's Valley.....	25	" 00 "	1,000 each
	<hr/>		
	224	107	

I have collected the interest on the North Carolina and  
Virginia bonds, in my hands, and there is now in my office  
about \$19,000 more than the immediate ordinary demands.

Respectfully submitted,

J. WHITING,  
Commissioner and Trustee.

STATEMENT SHOWING THE BALANCE IN THE TREASURY ON THE  
21ST DAY OF JANUARY, 1861.

The balance in the treasury at the close of the fiscal year ending 30th September, 1860, was.....	\$604,657 05
The receipts from all sources, from the 30th September, 1860, to the 21st January, 1861, have been .....	94,799 06
	<hr/>
	\$699,456 11
The disbursements during the same period, including \$50,000 00 from the three per cent. fund, to the Tennessee and Coosa Railroad Company, and \$160,000 00 to the Commis- sioner and Trustee for interest on State bonds for 1861, have been.. ..	\$400,787 26
Leaving a balance in the treasury on the 21st day of January, 1861, including the sum of of \$3,514 00 <i>in the notes of the State Bank and branches</i> , of.....	\$298,668 85

D. B. GRAHAM, State Treasurer.

*Treasurer's Office, January 21, 1861.*

Which was ordered to lie upon the table and one thou-  
sand copies ordered to be printed in pamphlet form.

Mr. Cunningham, of Cherokee, from select committe re-  
ported favorably to the bill to authorize John S. Moragne to  
erect a dam across Big Wills Creek.

Which, on motion of Mr. Clitherall, was referred to the  
udiciary committee.

Message from the Senate by Mr. Dixon.

SENATE, January 24th, 1861.

*Mr. Speaker :*

The Senate concurs in the resolution of the House pro-  
posing to appoint a joint committee of the two Houses to  
make arrangements for the reception of the corps of Cadets  
under the command of Col. Hughes.

Messrs. Toulmin, Jackson and McIntyre compose com-  
mittee on the part of the Senate.

House resumed the consideration of the bill amendatory  
of an act to incorporate the Bank of Alabama, and for oth-  
er purposes, approved February 18, 1860.

Question being on motion of Mr. Clitherall to reconsider

the vote by which the House refused to sustain the call for the previous question.

Lost.

Question then was on Mr. Parsons' motion to lay the amendment of Mr. Walker on the table.

Carried. Yeas 50—Nays 33.

YEAS—Messrs. Aldridge, Bell, Bibb, Brooks, Brown, Burgess, Bush, Calhoun, Carlisle, Carter, Clapp, Clifton, Coleman, Cowan, Cunningham of Cherokee, Dark, Ferrell, Fielder, Gilchrist, Goldsmith, Griffin of Jackson, Hearin of Clarke, Herrin of Tallapoosa, Hudgins, Humphries, Jack, Jones, Lane, Latham, Lloyd, Martin, McMurray, Meadows, Millsap, Neal, Parsons, Pratt, Seal, Shepard, Sherrod, Smith of Coosa, Thomas, Walden of Coosa, Walden of Morgan, Warren, Wright.

NAYS—Mr. Speaker, Abney, Adams, Blake, Bradley, Bryan, Carey, Clitherall, Cooper, Cunningham of Macon, Davidson, Flake, Forney, Forsyth, Fountain, Gibson, Griffin of Marshall, Hall, Hobbs, Irby, Lyon, Mabry, Overall, Powell, Rice, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Van DeGraaff, Walker, White, Whitfield, Woods.

Mr. Walker moved to amend as follows:

"But said Bank of Alabama may, at the time of such deposit, at its selection treat and deposit as a general or special deposit, and if the bank elect to take and treat such deposit as a general deposit, it shall have the right to pay off the checks drawn by the person or persons to whose credit such deposit is entered or made, with the notes of the bank whose notes constitute such deposit."

The House adjourned to meet at 10 o'clock.

Mr. Rice entitled to the floor.

HOUSE OF REPRESENTATIVES, }  
January 25th, 1861. }

House met pursuant to adjournment.

Journal of yesterday read and approved.

Mr. Speaker laid before the House records of divorce, which were referred to committee on divorce and alimony.

Mr. Griffin moved to suspend the call of counties for the purpose of proceeding to a disposition of the bill "amendatory of an Act to incorporate the Bank of Alabama, and for other purposes," &c.

Carried.

Mr. Hale, from select committee, reported as follows:

The joint committee of the Convention and General Assembly beg leave to report, that they have waited on the officers and corps of cadets of the University of Alabama, now on a visit to the capital, and report the following arrangement for their reception, on the part of the Senate:

The Convention, General Assembly, Governor, and other officers of State, will receive the Alabama corps of cadets in front of the steps of the capitol to-day, at 12 o'clock, M., when an address will be delivered by the Speaker of the House of Representatives, and a reply by officers of the corps, by the Governor, and the presiding officers of the Convention and General Assembly, and a company or battalion drill.

All of which is respectfully submitted.

S. F. HALE, Chairman.

Ordered to lie on the table.

Mr. Scott, by leave, introduced bill to amend an Act in relation to conveyance of land by husband and wife, approved February 8th, 1858. Read 1st time, and constitutional rule being suspended, read a 2d time and referred to the judiciary committee.

Mr. Smith, of Lauderdale, by leave, from committee on patents and copy rights, reported a bill to secure the rights of patentees and authors, and their assignees in the State of Alabama, which was read the 1st time, and the constitutional rule being suspended, was read a 2d time and referred to the judiciary committee.

Mr. Walden, of Coosa, by leave introduced a bill with petition for the relief of Sarah Pitts, of Coosa county, which was read the 1st time, and the constitutional rule being suspended, was read a 2d time and referred to the committee on divorce and alimony.

Mr. Clayton, by leave, from the military committee, reported a substitute to the bill to relieve from military duty certain persons therein named, which was adopted, read the 3d time and passed.

The House then proceeded to the consideration of the business under the motion of Mr. Griffin, of Jackson; pending which the following message from the Senate was received:

SENATE, January 25, 1861.

*Mr. Speaker:*

The Senate has passed the following House bills:

To repeal in part section 2398 of the code, so far as relates to townships;

To authorize John Cocke, administrator of the estate of Wm. F. Cheney, deceased, to make complete payment for certain lands therein named, and a patent to issue therefor; For the relief of the late sheriff of Tuscaloosa county.

To divorce Arthur Bearden from his wife, Nancy A. Bearden, and to divorce other persons therein named.

Has amended and passed the House bills :

To divorce Rachael H. Weathers from Francis T. Weathers, and other persons therein named ;

To authorize the extension of 16th section notes.

The Senate has adopted the following resolution :

*Resolved*, (The House concurring,) That a select committee of five be appointed on the part of the Senate, to act with a like committee on the part of the House, to whom is hereby referred "A bill to establish an armory for the State of Alabama," and that said joint committee be instructed to report to their respective houses at an early day.

Messrs. McSpadden, Morgan, Rowe, Bynum and McIntyre compose the committee on the part of the Senate.

The Senate has originated and passed—

A bill to revise and amend the charter and change the name of the South Alabama Mining, Manufacturing and Transportation Company.

A bill to provide for the payment of the members and officers of the General Assembly, and of the officers and delegates of the Convention of the people of Alabama, now in session at Montgomery, and for other purposes.

M. TAUL, Secretary.

House concurred in the Senate amendment to the House bill.

To divorce Rachael H. Weathers from Francis J. Weathers, and other persons therein named.

A few moments to 12 o'clock, in accordance with the report of Mr. Hale, from the joint committee of the Convention and General Assembly, to make preparation for the reception of the Alabama corps of cadets,

Mr. Hale moved that the House do now prepare for their reception, and after the ceremonies were over with that, the House will stand adjourned until 10 o'clock to-morrow morning. And the House so repaired, and after the ceremonies were over with, the Speaker declared the House adjourned.

HOUSE OF REPRESENTATIVES, }  
January 26, 1861. }

House met pursuant to adjournment.

Journal of yesterday read and approved.

Leave of absence was granted Messrs. Irby and Abney.

Mr. Speaker announced that Judge Hopkins, late Commissioner to Virginia, was in the city, and that he be invited to a seat in the hall of the House.

CALL OF COUNTIES.

Mr. Cunningham, of Clarke, introduced a bill to be entitled an Act to repeal section 1155 of the Code, and to amend the law in relation to overseers of roads, which was read 1st time, and constitutional rule being suspended, read a 2d time and referred to the judiciary committee.

Mr. Millsap introduced a bill to be entitled an Act providing for a convention of the people of the State. Read 1st time and constitutional rule being suspended, read a 2d time and referred to the committee of ways and means.

Mr. Griffin of Dale, introduced a bill to be entitled an Act to increase the pay of grand and petit jurors for the county of Dale, which bill was read a 1st time, and constitutional rule being suspended, it was read a 2d and 3d time and passed.

Mr. Coleman introduced a bill to be entitled an Act to extend the payment of debts in this State. Read a 1st time, and the constitutional rule being suspended, read a 2d time and referred to the judiciary committee.

A message was received from the Governor, by Mr. Phelan.

*Mr. Speaker :*

His Excellency the Governor has approved bills which originated in the House of Representatives of the following titles:

An act to repeal section 6, of an act approved February 21st, 1860.

An act to authorize the owners of steam grist mills in the county of Sumter to take the sixth as toll for grinding.

An act for the relief of John Owens and Daniel Freeman, Jackson county.

An act to prevent the sale of spirituous or intoxicating liquors within three miles of Moore's Bridge post-office, in

the county of Tuscaloosa, and Dublin academy in Bibb county.

An act to repeal an act therein named, relating to steam mills in Jackson county.

An act to amend an act for the preservation of game in the county of Sumter.

An act to divorce Elijah Moncrief from Elizabeth Moncrief, and divorce other persons therein named.

WATKINS PHELAN, Private Secretary.

Mr. Hale introduced a bill to be entitled an act to give greater efficiency to the military department of the University of Alabama, which bill was read first time, the constitutional rule being suspended it was read a second time, when

Mr. Hobbs moved to amend as follows:

SECTION 3. *Be it enacted*, That from and after the passage of this act, three pupils from each county in this State, instead of two, as now provided by law, shall be educated at the University free from all charge for tuition in the same: *Provided*, the rate of interest hereby authorized to be paid on the University Fund shall continue so long only as it may be the policy of the State to continue the military department a branch of the University.

Adopted.

Mr. Hale moved to suspend the constitutional rule so as to give the bill a third reading forthwith.

Yeas 64—Nays 15. The motion prevailed, and the bill was read a third time and passed.

YEAS—Messrs. Speaker, Aldridge, Bell, Bibb, Bowen, Blake, Bradley, Brooks, Bryan, Bush, Calhoun, Carlyle, Carter, Chambers, Clayton, Clitherall, Coleman, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Jack, Jones, Lane, Lloyd, Lyon, Mabry, Martin, Neal, Overall, Parsons, Powell, Pratt, Rice, Scott, Sherrod, Smith of Coosa, Tait of Wilcox, Thomas, Van De Graaff, Walden of Morgan, Walker, White, Whitfield, Woods, Wright.

NAYS—Messrs. Brown, Burgess, Clifton, Cooper, Cowan, Holley of Covington, Latham, McMurray, Millsap, Meadows, Starke, Walden of Coosa, Warren.

A message was received from the Senate by Mr. Dixon.

SENATE, January 26, 1861.

*Mr. Speaker:* The Senate has originated and passed bills of the following titles :

To authorize Benj. H. Micou to settle his accounts as guardian in the probate court of Montgomery county ;

To repeal article 3d, chapter 1st, title 2d, of the Code of Alabama ;

For the Relief of Robt. S. Wilson ;

To compensate Wm. S. Gray for apprehending a person therein named, charged with felony ;

To repeal an act therein named, in relation to the encouragement of direct trade ;

For the relief of Jonathan Cooper, of Russell county ;

To fix the time of holding the circuit courts in the 4th judicial circuit.

The Senate has also passed bills with the following titles :

To authorize the clerks of the lower courts to issue executions for their costs in appeal cases ;

To repeal, in part, an act approved February 24, 1860, to amend section 499 of the Code, so far as Lauderdale and Coosa counties are concerned ;

To establish a Medical Board in St. Clair county.

The Senate has rejected the House bills :

For the relief of John Camp of Jefferson county ;

To compensate bailiffs attending on the circuit courts.

The Senate has amended and passed the House bill to compensate jurors upon coroners' inquests in the county of Chambers.

M. TAUL, Secretary.

Mr. Thomas introduced a bill to be entitled an act to change the time of payment of interest on township stock in this State. Read first time, and constitutional rule being suspended, it was read a second time and referred to the judiciary committee.

Mr. Hudgins introduced joint resolution for the relief of Thomas Wilson and others of Jackson county, which was read the first time. The constitutional rule being suspended, it was read a second time and referred to the judiciary committee.

Mr. Hubbard introduced a bill to be entitled an act authorizing the Governor to issue treasury notes in certain contingencies, which was read a first time. The constitutional rule being suspended, it was read a second time and referred to the committee on ways and means.



Mr. Hubbard introduced a bill to be entitled an act to incorporate a Planters' Union, which was read a first time, and the constitutional rule being suspended, it was read a second time and referred to the committee on banks, banking and currency.

Mr. Hubbard introduced a bill to be entitled an act to equalize the salaries of the Secretary of State, the Comptroller and Treasurer. Read a first time, and the constitutional rule being suspended, read a second and third time and passed.

Mr. Hobbs introduced a bill to prevent the destruction of fish in the Tennessee river, which was read a first time, and the constitutional rule being suspended, it was read a second and third time and passed.

Mr. Lyon presented the petition of R. M. Robinson and others in the county of Marengo, which was referred to the military committee.

Mr. Lyon introduced a bill to change the time of holding the chancery courts of the middle and southern divisions of Alabama. Constitutional rule being suspended, it was read a second and third time forthwith and passed.

The hour of 12 o'clock having arrived, for which hour there being a special order, namely :

To legalize the suspension of specie payments by certain banks in Alabama;

On motion of Mr. Cooper, was postponed until 12 o'clock on Monday next.

Also, to make next special order to relieve the State of free negroes.

Mr. Cooper then made the following report :

The committee on the judiciary, to whom was referred the bill to be entitled an act authorizing the stay of executions until after the first day of March, 1862, have had the same under consideration and have authorized me to report the accompanying substitute for the consideration of the House, and to ask that it be made the special order for the hour of 12 o'clock on Monday next.

The same committee, to whom was referred a bill to be entitled an act to extend the payment of debts in this State, instruct me to report it back and ask that it be made a part of the aforesaid special order for Monday next at 12 o'clock M., and that 150 copies each be printed.

Mr. Calhoun, by leave, introduced a bill to repeal the usury laws, which was read.

Mr. Warren moved to lay the bill on the table. Lost.

The constitutional rule being suspended, it was read the second time and referred to the judiciary committee.

Mr. Griffin, of Jackson, moved to suspend the business before the House to allow him to offer the following resolution:

*Resolved*, The Senate concurring, that the two Houses of the General Assembly adjourn *sine die* on Wednesday, the 30th of January, inst. Yeas 22—Nays 47.

YEAS—Messrs. Aldridge, Brooks, Calhoun, Clapp, Cowan, Davidson, Forsyth, Griffin of Jackson, Hearin of Clarke, Holley of Covington, Huckabee, Jack, Jones, Lane, Latham, Lloyd, McMurray, Meadows, Neal, Tait of Wilcox, Warren, White.

NAYS—Messrs. Bell, Bowen, Brown, Bryan, Burgess, Bush, Carlyle, Carter, Clayton, Clifton, Clitherall, Coleman, Cooper, Cunningham of Cherokee, Dark, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hall, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Lyon, Mabry, Martin, Millsap, Overall, Parsons, Powell, Pratt, Rice, Scott, Seal, Sherrod, Smith of Coosa, Thomas, Van DeGraaff, Walden of Morgan, Walker White, Whitfield, Wright.

House concurs in amendment of Senate to House bill to compensate jurors upon coroner's inquests in the counties of Chambers, Russell, Montgomery and Autauga.

Senate bills to authorize Benj. H. Micou to settle his accounts as guardian, in the Probate Court of Montgomery county.

To repeal article 3d, chapter 1st, title 2nd, of the Code of Alabama, were severally read a first time, and constitutional rule being suspended, were read the 2nd time and referred to the judiciary committee.

For the relief of Robert S. Wilson, was read first time, and constitutional rule being suspended, was read a 2nd and 3d time and passed.

To compensate William S. Gray for apprehending a person therein named, charged with felony, which was read; the constitutional rule being suspended, was read a second time and referred to the committee on accounts and claims.

To repeal an act therein named in relation to the encouragement of direct trade.

To repeal all tax on pistols.

For the relief of Jonathan Cooper, of Russell county, was read the first time; the constitutional rule being suspended,

it was read a second time and referred to the committee on ways and means.

To revive and amend the charter and change the name of the South Alabama Mining, Manufacturing and Transportation Company. Read a first and second time under a suspension of the constitutional rule, and referred to the committee on corporations.

To fix the times of holding the courts in the 4th judicial circuit was read the first time; the constitutional rule being suspended was read a second time and referred to a select committee of one from each county in said judicial district; Messrs. Jack, Hobbs, Herman, Sherrod, Walden of Morgan and Bibb.

The House resumed the consideration of the bill to amend the act to incorporate the Bank of Alabama, and for other purposes.

The question being upon the adoption of Mr. Walker's amendment,

Mr. Griffin, of Jackson, moved to lay the amendment on the table.

Mr. Rice moved the previous question. Yeas 41—Nays 35; the motion prevailed.

YEAS—Messrs. Speaker, Brown, Blake, Bradley, Brooks, Bryan, Burgess, Bush, Chambers, Clayton, Clitherall, Cooper Cowan, Davidson, Forney, Forsyth, Fountain, Gibson, Gilchrist, Griffin of Dale, Griffin of Marshall, Hale, Hobbs, Hubbard, Huckabee, Hudgins, Lyon, Mabry, Martin, Overall, Rice, Scott, Seale, Sherrod, Starke, Thomas, Walden of Morgan, Walker, White, Whitfield and Woods.

NAYS—Messrs. Aldridge, Bell, Calhoun, Carlyle, Carter, Clapp, Clifton, Coleman, Cunningham of Cherokee, Dark, Ferrell, Fielder, Griffin of Jackson, Herrin of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Jones, Lane, Latham, Lloyd, McMurray, Meadows, Millsap, Neal, Parsons, Powell, Pratt, Smith of Coosa, Tait of Wilcox, Van DeGraaff, Walker of Coosa, Warren and Wright.

The question was then on reading the bill forthwith. Yeas 47—Nays 24. Carried.

YEAS—Messrs. Aldridge, Bowen, Bradley, Brooks, Brown, Bryan, Burgess, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clitherall, Cooper, Cowan, Cunningham of Cherokee, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Herman, Hightower, Hobbs, Holley of Covington, Hubbard,

Hudgins, Jones, Lloyd, Mabry, Martin, McMurray, Pratt, Rice, Seale, Starke, Thomas, Walden of Coosa, Walden of Morgan, Woods and Wright.

NAYS—Messrs. Speaker, Bell, Carlyle, Coleman, Dark, Forsyth, Hearin of Tallapoosa, Holley of Tallapoosa, Lane, Latham, Lyon, Meadows, Millsap, Neal, Overall, Parsons, Powell, Scott, Smith of Coosa, Tait of Wilcox, Van DeGraaff, Walker, Warren and White.

The question then was on the passage of the bill. Yeas 43—Nays 23.

YEAS—Messrs. Aldridge, Bibb, Blake, Bradley, Brown, Bryan, Burgess, Bush, Calhoun, Chambers, Clapp, Clayton, Clitherall, Cooper, Cowan, Cunningham of Cherokee, Davidson, Ferrell, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Harman, Hightower, Hobbs, Hubbard, Hudgins, Jones, Lane, Lloyd, Mabry, Martin, McMurray, Pratt, Rice, Seale, Starke, Thomas, Walden of Morgan and Woods.

NAYS—Messrs. Speaker, Bell, Carlyle, Carter, Coleman, Dark, Forsyth, Hearin of Tallapoosa, Latham, Meadows, Millsap, Neal, Overall, Parsons, Powell, Scott, Smith of Coosa, Tait of Wilcox, Van DeGraaff, Walker, Warren, White and Wright.

When, on motion, the House adjourned until 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }  
January 28, 1861. }

House met pursuant to adjournment. Journal read and approved.

Mr. Clitherall moved that the bill to give greater efficiency to the military department of the University of the State of Alabama be sent forthwith to the Senate.

Leave of absence was granted to Messrs. Carey, Jones, Clayton, Abney and Humphries.

#### CALL OF COUNTIES.

Mr. Walker presented a petition of citizens of Mobile, praying for the enactment of some law to protect the public lands in this State from depredations, &c., which was referred to the committee on public and swamp lands.

Mr. Walker also presented a petition of citizens of Mobile against a stay law. Ordered to take the same course with the special order on the same subject.

Mr. Walker introduced a bill to be entitled, an Act to alter and amend the act to provide for the preparation of a revised Code of the Statute laws of the State of Alabama, of a general and public nature, approved February 25th, 1860, which was read, the constitutional rule being suspended was read a second and third time and passed and ordered forthwith to the Senate.

Mr. Overall introduced a bill to be entitled an Act to incorporate the Mobile and Jacksonville Omnibus and Railroad Company, which was read; the constitutional rule being suspended was read a second time and referred to the committee on corporations.

Mr. Overall also introduced a bill to be entitled an Act to incorporate the Phoenix Foundry of Mobile, which was read; the constitutional rule being suspended, was read a second time and referred to the committee on corporations.

Mr. Forsyth introduced a bill to promote military efficiency and for other purposes, which was read; the constitutional rule being suspended, it was read a second time and referred to the military committee.

Mr. Rice introduced a bill to be entitled an Act for the relief of Frederica Ludicus; read, the constitutional rule suspended it was read a second time and referred to the judiciary committee.

Mr. Rice introduced a bill to be entitled an Act to change the jurisdiction of the trust estate of Thomas Durden, which was read; the constitutional rule suspended, read a second time and referred to the judiciary committee.

Mr. Rice also introduced a bill to be entitled an Act to incorporate the Montgomery Bridge Company, which was read; the constitutional rule suspended, was read a second time and referred to the committee on corporations.

Mr. Bradley introduced a bill to be entitled an act to prevent the retail of ardent or vinous liquors in the village of Hamburg, in the county of Perry, which was read, the constitutional rule suspended, it was read a 2d and 3d times forthwith and passed.

Mr. Clitherall introduced a bill to fix the compensation of bailiffs in the circuit court of Pickens, Coosa, and other counties, which was read, the constitutional rule suspended, was read a 2d and 3d times forthwith and passed.

Mr. Hightower presented an account from Randolph county, which was referred to the committee on accounts and claims.

Mr. Van DeGraaff introduced a bill to be entitled an act for the relief of the circuit clerk, probate judge and sheriff of Sumter county, which was read, the constitutional rule suspended, was read a second time and referred to the committee on local legislation.

Mr. Van DeGraaff presented a petition, which was referred to the judiciary committee.

Mr. Powell presented a petition of sundry citizens of Tuscaloosa county, upon the subject of a stay law, which was ordered to take the same course with the special order upon the same rubject.

Mr. Chambers introduced a bill to be entitled an act for the relief of the Eufaula Rifles, read, the constitutional rule suspended, read a second time and referred to the military committee.

Mr. Gibson introduced a bill to be entitled an act to amend an act to create a clerkship in the comptroller's office, which was read, the constitutional rule suspended, read a second time and referred to the committee on ways and means.

Mr. Gibson also introduced a bill to be entitled an act to regulate the pay of county commissioners, which bill was read, the constitutional rule suspended, was read a second time and referred to the judiciary committee.

Mr. Carlyle introduced a bill to be entitled an act to regulate the time of holding the circuit court in Chambers county, read, the constitutional rule suspended, was read a second and third times forthwith and passed.

Mr. Huckabee introduced a bill to be entitled an act to regulate the pay of witnesses in criminal cases, which was read, the constitutional rule suspended, was read a second and third times forthwith and passed.

A message was received from the Senate by Mr. Dixon.

SENATE, January 28, 1861.

*Mr. Speaker :*

The Senate has originated and passed bills of the following titles :

To amend the charter of the Mobile and Ohio Rail Road Company ;

For the relief of George G. Henry, of Mobile ;

To regulate the hunting of wild hogs ;

An act supplemental to an act to establish a hospital for the insane in Alabama,

Has amended and passed the following House bills :

To amend an act entitled an act to regulate and define

the duties and liabilities of rail road companies in this State, approved February 6, 1858.

Has also passed the following House bills :

The more effectually to secure subordination among slaves in Shelby county ;

To prohibit the sale of spirituous liquors within three miles of Lineville Baptist church, in the county of Shelby.

The Senate concurs in the resolution of the House proposing that the joint resolutions of the General Assembly of the State of Alabama, in relation to the present crisis in public affairs be enrolled on parchment. and that each member of the General Assembly shall sign the same.

The Senate has rejected the House bill for the relief of Jesse B. Todd and Mary Ann Todd.

M. TAUL, Secretary.

SENATE, January 28, 1861.

*Mr. Speaker :*

The Senate has originated and passed a bill to appropriate and dispose of the two per cent fund now in the Treasury of the State.

M. TAUL, Secretary.

Mr. Scott introduced a bill to be entitled an act to incorporate the North Alabama Rail Road Company, read, the constitutional rule suspended, read a second and third times and passed.

A message was received from the Governor by Mr. Phelan, which was laid on the table.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 28, 1861. }

*Hon. A. B. Meek,*

*Speaker House of Representatives :*

SIR: It becomes my duty to inform the House of Representatives of the resignation of S. K. Nesmith, Adjutant-General of the State of Alabama, and that the office is now vacant.

Very respectfully,

A. B. MOORE.

Mr. Starke reported favorably of a bill for the relief of a certain person therein named ; the constitutional rule was suspended, the bill was read a third time and passed. Yeas 37—Nays 32.

YEAS—Messrs. Speaker, Bell, Burgess, Bush, Carter, Clif-

ton, Cooper, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Griffin of Dale, Griffin of Jackson, Herrin of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Jack, Lane, McMurtry, Meadows, Millsap, Overall, Parsons, Powell, Pratt, Rice, Scott, Smith of Coosa, Starke, Walden of Coosa, Warren, White, Woods, and Wright.

NAYS—Messrs. Aldridge, Bibb, Bradley, Calhoun, Carlisle, Clapp, Clitherall, Coleman, Fountain, Gibson, Griffin of Marshall, Hale, Hearin of Clarke, Hobbs, Holley of Covington, Hubbard, Huckabee, Hudgins, Irby, Latham, Lloyd, Lyon, Mabry, Seale, Sherrod, Smith of Lauderdale, Tait of Wilcox, Thomas, Van DeGraaff, Walden of Morgan, Walker, and Whitfield.

House concurs in the amendment of the Senate to House bill to amend an act entitled an act to regulate and define the duties and liabilities of rail road companies in this State, approved February 6, 1858.

Senate bill: To amend charter of Mobile and Girard Rail Road Company was read, the constitutional rule suspended, was read a second time, when on motion of Mr. Walker, it was laid on the table.

For the relief of George G. Henry, of Mobile, was read, the constitutional rule suspended, was read a second time and referred to the committee on ways and means.

A bill to regulate the hunting of wild hogs was read, the constitutional rule suspended, read a second and third times forthwith and passed.

A bill supplemental to an act to establish a hospital for the insane in the State of Alabama, which was read, the constitutional rule suspended, read a second time and referred to the committee on insane asylum.

A bill to appropriate and dispose of the the two per cent fund, now in the Treasury of the State was read, the constitutional rule suspended, was read a second time and referred to the committee on internal improvements.

Mr. Hobbs, from the committee on internal improvements, reported favorably on the bill to compel the Memphis and Charleston Rail Road Company to drain the ponds along the line of said road, within the limits of Jackson county.

Mr. Hobbs moved to amend by an additional section:

*Be it further enacted*, That the provisions of this act shall be as of full force and effect in the county of Limestone, as in the county of Jackson.

Adopted.

The bill was then read a third time forthwith and passed, and the titles made to conform to the body of the bill.



Mr. Hobbs reported a substitute for the bill to postpone the lien of the State of Alabama on the Tennessee and Coosa rail road, which substitute was adopted, read the third time forthwith and passed. The bill was ordered forthwith to the Senate.

Mr. Starke, from the committee on divorce and alimony, reported adversely to the bill for the relief of Sarah Pitts, of Coosa county, which on motion of

Mr. Walden of Coosa, the bill was re-committed to the committee on divorce and alimony.

Mr. Cooper, from the committee on local legislation, reported a substitute for the bill to amend an act for the location of the seat of justice of Henry county, which on motion of

Mr. Thomas, the whole subject was laid on the table.

Mr. Cooper, from the same committee, reported favorably to the bill to regulate the time of the trial of State cases in the circuit court of Chambers county.

Mr. Cooper, from the same committee, reported favorably to the bill to amend the road laws of Alabama.

Mr. Walker moved to except Mobile.

Mr. Aldridge moved to except Blount;

When, on motion of Mr. Starke, this bill was laid on the table.

The hour of 12 o'clock having arrived, the House proceeded to consider the special order,

A bill to legalize the suspension of specie payments by certain banks of Alabama.

Mr. Griffin of Jackson, moved to suspend the special order until 12 o'clock to-morrow.

Lost.

The question being on the adoption of the amendment of Mr. Parson, Mr. Clitherall moved to lay said amendment on the table.

Yeas 26—Nays 44. Motion lost.

YEAS—Messrs. Speaker, Bowen, Blake, Bryan, Burgess, Chambers, Clitherall, Cunningham of Macon, Griffin of Marshall, Hale, Herrin of Tallapoosa, Hubbard, Hudgins, Irby, Lyon, Mabry, Overall, Pratt, Rice, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Morgan, Walker, White, and Whitfield.

NAYS—Messrs. Aldridge, Bell, Bibb, Bradley, Brown, Bush, Calhoun, Carlyle, Carter, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Jack-

son, Hearin of Clarke, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Jack, Lane, Latham, Lloyd, Martin, McMurray, Meadows, Millsap, Parsons, Powell, Sherrod, Starke, Van De Graaff, Walden of Coosa, Warren, and Wright.

Mr. Van De Graaff moved to amend as follows:

To amend the first amendment of Mr. Parsons by striking out all after the word "amend," and insert as follows: To amend the first section by adding thereto the following and third condition, "That each of said banks, within sixty days after resumption of specie payments by it, shall take the necessary measures to redeem, and shall redeem, in specie, its bills of circulation in the city of Mobile, and thereafter shall redeem its bills of circulation in the city of Mobile only, and shall be relieved from redeeming, in specie, its bills of circulation at the place of issue."

At 15 minutes to 2 o'clock P. M., Mr. Clitherall moved to adjourn till 10 o'clock to-morrow morning.

YEAS 26—NAYS 42.

YEAS—Messrs. Bowen, Bryan, Bush, Clitherall, Cunningham of Macon, Dark, Forney, Forsyth, Gibson, Herrin of Tallapoosa, Herman, Hubbard, Huckabee, Jack, Lyon, Martin, Rice, Scott, Smith of Lauderdale, Tait of Wilcox, Van De Graaff, Walker, Warren, White, and Whitfield.

NAYS—Messrs. Speaker, Aldridge, Bell, Bibb, Blake, Bradley, Burgess, Calhoun, Carlyle, Carter, Chambers, Clapp, Clifton, Cooper, Cunningham of Cherokee, Davidson, Ferrell, Fielder, Fountain, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Irby, Lane, Latham, Lloyd, Mabry, McMurray, Meadows, Overall, Parsons, Powell, Pratt, Scott, Smith of Coosa, Thomas, Walden of Coosa, and Walden of Morgan.

When, after further discussion, the House, on motion of Mr. Jack, adjourned to 15 minutes after 10 o'clock to-morrow morning, Mr. Van De Graaff entitled to the floor.

HOUSE OF REPRESENTATIVES, }  
January 29, 1861. }

House met pursuant to adjournment.

Journal read and approved.

Mr. Speaker laid before the House records of divorce, which were referred to the committee on divorce and alimony.

Mr. Dark offered the following resolution:

*Resolved*, By this House, the Senate concurring, that the two Houses will adjourn *sine die* at 12 o'clock M. on Tuesday, the 5th of February next,

Which, on motion of Mr. Clitherall, was laid on the table.

Mr. Hudgins offered the following resolution:

*Resolved*, The Senate concurring, the two Houses of the General Assembly meet in the hall of the House of Representatives on Wednesday, the 30th of January inst., for the purpose of electing a Comptroller of Public Accounts, a Treasurer, and an Adjutant-General for this State.

Adopted.

A message was received from the Senate.

SENATE, January 29, 1861.

*Mr. Speaker*: The Senate has originated and passed a bill to compensate William Skinner and J. S. Clark.

M. TAUL, Secretary.

#### CALL OF COUNTIES.

Mr. Pratt introduced a bill, with petition, to empower the Governor to appoint persons residing anywhere within the corporate limits of the city of Wetumpka, to act as Notaries Public in East Wetumpka, in the county of Coosa, which was read, the constitutional rule suspended, was read a second time, when Mr. Walden of Coosa, moved to refer it to the committee on local legislation.

Lost.

The rule being further suspended, the bill was then read a third time and passed.

Mr. Pratt also introduced a bill, with petition, for the relief of W. C. Penick, which was read, the constitutional rule suspended, was read a second and third time, and passed.

A message was received from the Senate by Mr. Dixon.

*Mr. Speaker*: The Senate has passed the following House bills:

To give greater efficiency to the military department of the University of the State of Alabama;

To increase the pay of grand and petit jurors in the county of Dale;

The Senate has amended and passed the following House bills:

To amend an act entitled an act to loan and appropriate the three per cent. fund and its interest;

To establish a Medical Board in the county of Talledega.

The Senate has originated and passed the following bills:

To amend an act therein named;

To amend an act to incorporate the Alabama Annual Conference of the Methodist Episcopal Church South;

To amend an act incorporating the Clintonville Academy in Coffee county.

M. TAUL, Secretary.

Mr. Hale moved to suspend the call of the counties to make a report.

Carried.

Mr. Hale then reported a bill to be entitled an act to accept the aid of certain patriotic citizens, which bill was read the first time, the constitutional rule suspended, read a second and third time, and passed. Ordered forthwith to the Senate.

Mr. Lane introduced a bill to incorporate the Greenville Collegiate Institute and for other purposes, which was read, constitutional rule suspended, bill read a second time and referred to the committee on corporations.

Mr. Griffin, of Dale, introduced a bill to amend section 2039 of the Code of Alabama, in relation to the compensation of guardians, which was read, the constitutional rule suspended, read a second and third time, and passed.

Mr. Forsyth introduced a bill to make provisional postal communication with Pensacola, which was read, the constitutional rule suspended, read a second time, and referred to the committee on postal arrangements.

Also, a bill to incorporate a savings bank in the city of Mobile, which was read, the constitutional rule suspended, read a second time, and referred to the committee on banks, banking and currency.

Also, joint resolutions for the promotion of direct trade with the Republic of Mexico, which was read, the constitutional rule suspended, read a second time and referred to the committee on commerce.

Mr. Hobbs introduced a bill to prohibit the sale of intoxicating liquors within certain limits in Limestone county, which was read, the constitutional rule suspended, read a second and third times and passed.

Mr. Holley of Tallapoosa, introduced a bill to change the name of the Andrew Jackson Guards, of Tallapoosa county,

which was read, the constitutional rule suspended, read a second and third times and passed.

Mr. Irby moved to suspend the business before the House to take up the bill to legalize the suspension of specie payments by certain banks of Alabama.

Mr. Cooper moved to suspend business and special orders, to take up the bill in regard to a stay law.

Mr. Clitherall moved to lay Mr. Cooper's motion on the table.

Lost. Yeas 31—Nays 48.

YEAS—Messrs. Speaker, Bowen, Bradley, Brooks, Bryan, Calhoun, Carlyle, Clitherall, Forney, Forsyth, Goldsmith, Hale, Hearin of Clarke, Herman, Hobbs, Hudgins, Irby, Lane, Lyon, Mabry, Martin, Overall, Powell, Pratt, Scott, Smith of Lauderdale, Starke, Van DeGraaff, Walker, White, and Whitfield.

NAYS—Messrs. Aldridge, Bell, Bibb, Blake, Brown, Burgess, Bush, Carter, Chambers, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Herrin of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Jack, Latham, Lloyd, McMurry, Meadows, Millsap, Neal, Parsons, Rice, Seale, Slater, Smith of Coosa, Tait of Wilcox, Walden of Coosa, Walden of Morgan, Warren, Woods and Wright.

House concurs in the amendment of the Senate to the House bill,

To be entitled an act to establish a medical board in the county of Talladega.

House also concurs in the amendment of the Senate to the House bill,

To be entitled an act to amend an act entitled an act to loan and appropriate the three per cent. fund and its interest.

Senate bills were then taken up :

To amend an act incorporating the Clintonville, Academy, in Coffee county, read, the constitutional rule suspended, read a second and third times and passed ;

A bill to be entitled an act to amend an act to incorporate the Alabama Annual Conference of the Methodist Episcopal Church, South, read, the constitutional rule suspended, read a second and third times and passed ;

A bill to be entitled an act to amend an act therein nam-

ed; read, the constitutional rule suspended, read a second and third times and passed;

A bill to be entitled an act to compensate William Skinner and J. S. Clark, read, the constitutional rule suspended, read a second time, when

Mr. Clitherall moved the following amendment:

*“Provided, That the parties named in this act shall first give bond in the sum of two hundred dollars each, to be approved by the Comptroller, conditioned to save the State harmless against the claims of heirs or distributees.”*

Adopted.

Mr. Smith of Lauderdale, moved to refer the bill to the committee on education.

Carried.

The question then recurred on Mr. Cooper's motion, which was carried. Yeas 52—Nays 22.

YEAS—Messrs. Aldridge, Bell, Bibb, Bowen, Blake, Brown, Burgess, Bush, Calhoun, Carlisle, Carter, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Jack, Latham, Lloyd, McMurry, Meadows, Millsap, Neal, Rice, Scott, Seale, Sherrod, Slater, Smith of Coosa, Tait of Wilcox, Thomas, Van DeGraaff, Walden of Morgan, Warren, White, and Woods.

NAYS—Messrs. Speaker, Bradley, Brooks, Bryan, Clitherall, Cunningham of Macon, Forsyth, Gibson, Goldsmith, Hobbs, Hudgins, Lyon, Mabry, Martin, Overall, Powell, Pratt, Smith of Lauderdale, Starke, Walden of Coosa, Walker, and Whitfield.

Mr. Hubbard moved to adjourn until 3 o'clock P. M., which was carried.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Blake, Bradley, Brown, Burgess, Bush, Carlisle, Carter, Chambers, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale,

Hearin of Clarke Herrin of Tallapoosa, Hightower, Hobbs, Holley, of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Jack, Lane, Latham, Lloyd, Mabry, Martin, Meadows, Millsap, Neal, Overall, Parsons, Pratt, Rice, Seale, Sherrod, Slater, Smith of Coosa, Tait of Wilcox, Thomas, Van DeGraaff, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield and Wright.

On motion of Mr. Walker, the business before the House was suspended to allow Mr. Hale, from the committee on the military to report.

A bill making appropriations for the military defence of the State, which bill was read, the constitutional rule suspended, read a second and third times and passed.

Ordered forthwith to the Senate.

The House resumed the consideration of the substitute reported by the judiciary committee for the stay law, and the bill to extend the payment of debts in this State, together with the substitute of Mr. Rice, which is as follows:

"That in every case in which a levy or order of sale, of any kind or to any extent whatever has been made under any judgment or decree already rendered, or under any judgment or decree which may be rendered during the year 1861, any defendant in any such case shall have the right to enter into bond with good security, substantially conformable to the following form:

Whereas, A. B. recovered judgment in the circuit court of ——— county, (or in a chancery, justices or other court, describe the court accurately to the fact,) on the ——— day of ——— (giving the date of the judgment) against the undersigned C. D., for ——— dollars (giving the amount of the judgment) besides costs; and whereas, a levy or order of sale has been made in said court; now if the said judgment, with interest and costs shall not be fully paid on or before the first Monday in February, 1862, we hereby agree to pay said judgment, with interest and costs, and consent that this agreement shall from that day have all the force of a judgment confessed by us in favor of said plaintiff for the amount of said judgment, interests and costs, and that execution may issue thereon accordingly, at any time after that day, not only for the amount of said judgment, interest and costs thereon, but also for all further costs that may arise from the issue of executions, commissions, and other fees and charges established by law, for officers for making the money under such execution after the true date.

Signed,

C. D., E. F. G.

Such bond is to be approved by the officer who made the levy, or who may hold the order of sale, and he must make his approval thereon and return it to the court in which the judgment may have been originally rendered. And when such bond is approved as above directed, no further proceedings shall be had in the case in which the bond was taken, until the first Monday of February, 1862; but no existing lien shall be destroyed or impaired by the execution or approval of such bond.

r. Hale moved to amend at the end of the 1st section with the following proviso:

*“Provided, however, That in the event the property levied on by any officer under an execution or order of sale shall not be of value sufficient to satisfy such execution or order of sale, then it shall be the duty of the officer levying or having control of such property under the execution or order of sale to call in three disinterested freeholders of the neighborhood who, upon oath, (which may be administered by the officer having the execution or order of sale in his hands) shall value the property so levied on; and the defendant may thereupon give bond and security as prescribed for in the specifying the value of property levied upon, and the section of this act, conditioned that if the defendant shall fail to pay the amount of such judgment or decree on or before the 1st Monday in February, 1862, that then such bond shall have all the force and effect of a confessed judgment against the principal and his securities, for the amount of the value of the property levied on, as stipulated in said bond, together with interest thereon from the date of said levy and execution, may thereupon issue on said bond for said sum and interest, returnable according to law.*

Which was accepted by Mr. Rice.

Mr. Cooper moved to lay the substitute of Mr. Rice on the table.

Lost. Yeas 32—Nays 44.

YEAS—Messrs. Adams, Aldridge, Bell, Bibb, Brown, Bush, Coleman, Cooper, Dark, Davidson, Ferrell, Fielder, Forney, Gibson, Herrin of Clarke, Herman, Holley of Tallapoosa, Hubbard, Huckabee, Latham, Lyon, Meadows, Neal, Parsons, Scott, Seale, Sherrod, Slater, Smith of Coosa, Van De Graaff, Walden of Morgan and Warren.

NAYS—Messrs. Speaker, Bowen, Black, Bradley, Brooks, Bryan, Burgess, Carlyle, Carter, Chambers, Clifton, Chithenall, Cowan, Cunningham of Cherokee, Cunningham of Macon, Fountain, Goldsmith, Griffin of Dale, Griffin of Jack-



son, Griffin of Marshall, Hale, Hightower, Hobbs, Hudgins, Irby, Jack, Lane, Lloyd, Mabry, Martin, McMurray, Millsap, Overall, Pratt, Rice, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Coosa, Walker, White, Whitfield, Woods and Wright.

Mr. Goldsmith moved to adjourn till 10 o'clock to-morrow morning.

Lost.

Mr. Wright moved to reconsider the vote by which the House refused to lay the substitute of Mr. Rice on the table, pending which motion the House adjourned until 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }  
January 30, 1861. }

House met pursuant to adjournment.

Journal read and approved.

Mr. Speaker laid before the House records of divorce which were referred to the committee on divorce and alimony.

Leave of absence was granted to Messrs. Hale, Sherrod and Calhoun.

A message was received from the Senate.

SENATE, January 30th.

*Mr. Speaker:*

The Senate has amended, by inserting the words, "at the hour of 12 o'clock," after the words "January inst.;" and as amended concurs in the resolution of the House proposing that the two Houses meet in joint convention this day for the purpose of electing a comptroller of public accounts, a treasurer and an adjutant general for the State.

The Senate has passed the following bills:

For the relief of F. Villent.

To change the lines between the counties of Shelby and Jefferson.

Also, the House bill to accept the aid of certain patriotic citizens.

M. TAUL, Secretary.

The House then concurred in the Senate amendment to the House resolution to bring on the election of comptroller treasurer and adjutant general to-day:

Mr. Hobbs moved to reconsider the vote by which the

House agreed to the Senate amendment to the House bill to amend an Act entitled, an Act to loan and appropriate the three per cent. fund and its interest.

Carried.

The question then was on the concurrence of the amendment of the Senate.

The House refused to concur.

Mr. Rice moved that the Senate be informed at once of the refusal of the House to concur.

Carried.

#### CALL OF COUNTIES.

Mr. Pratt presented a petition which was referred to the judiciary committee.

Mr. Pratt also introduced a bill to be entitled, an Act to incorporate the Autauga Rangers. Read once, the constitutional rule suspended, and a second time read; referred to the military committee.

Mr. Bowen introduced a bill to incorporate the Eufaula Home Insurance Company. Read once; the constitutional rule suspended, read a second time, and referred to the committee on corporations.

Mr. Adams introduced a bill to amend an Act to provide for an efficient military organization of the State of Alabama, approved February 24, 1860. Read once; the constitutional rule suspended; read a second and third time and passed.

Mr. Holley, of Tallapoosa, moved to reconsider the vote by which the House passed the bill for the relief of W. C. Penick.

Mr. Griffin, of Jackson, moved to suspend the business of the House to enable him to offer a resolution.

Lost.

Mr. Martin introduced a bill for the relief of William P. Hickman, of Jefferson county. Read once; the constitutional rules suspended; read a second time and referred to the committee on accounts and claims.

Mr. Walker introduced a bill to authorize the Governor to distribute certain arms. Read once; the constitutional rule suspended; read a second and third time and passed. Ordered forthwith to the Senate.

Mr. Woods presented the account of Whit Co., which was referred to the committee on claims.

Mr. Starke introduced a bill to incorporate the Troy Female College at Troy, Pike county. Read once; the constitutional rule suspended; read a second time, when

Mr. Clitherall moved to refer the bill to the judiciary committee.

The bill then, on motion of Mr. Ferrell, was referred to the committee on corporations.

Mr. Parsons introduced a bill to be entitled an Act to facilitate the taking testimony by depositions. Read once; the constitutional rule suspended; read a second time and referred to the judiciary committee.

Also, a bill to be entitled, an Act to amend an Act, approved February 23d, 1860. Read once; the constitutional rule suspended; read a second time.

Mr. Rice offered the following amendment:

*“Provided, ‘Affidavit must be made by the owner or agent of the property and filed in the office of the probate judge of the county where the sale is made, that the tax has been paid on the property provided for by this act.’”*

Adopted.

The constitutional rule was again suspended, the bill read a third time and passed.

Mr. Bibb introduced a bill to reinstate section 496 of the Code of Alabama, so far as it relates to Winston county.

Read once, the constitutional rule suspended, read a second and third time, and passed.

Mr. Davidson introduced a bill to incorporate the Iron Manufacturing Company in Bibb county.

Read once, the constitutional rule suspended, read a second time and referred to the committee on corporations.

Mr. Rice introduced a bill to protect the public property from fire.

Read once, the constitutional rule suspended, read a second and third time, and passed.

Mr. Forney, from the committee on corporations, reported favorably on the following bills:

To amend an act to incorporate the Mechanics' Aid Association of Mobile, approved February 24, 1860;

To incorporate the Mechanics' Aid Association of Selma;

To revive and amend an act to incorporate the Alabama Direct Trade and Exchange Company, approved 5th February, 1852, and the supplemental act thereto, approved February 17, 1854;

To revive and amend the charter and change the name of

the South Alabama Mining, Manufacturing and Transportation Company;

All of which bills were severally read, the constitutional rule suspended, read a third time and passed.

Mr. Overall, from the same committee, reported the following bills, with amendments, which amendments were adopted:

To incorporate Steam Fire Engine Company in Mobile;

To repeal, in part, an act entitled an act to regulate the agencies of insurance companies not incorporated by the State of Alabama, approved 24th February, 1860.

Also, a substitute for the bill to incorporate Ingram's Academy in Russell county.

Substitute adopted, and, under a suspension of the constitutional rule, read a third time and passed.

Mr. Van De Graaff, from the same committee, reported favorably on the bill to incorporate the North Alabama Steamboat Company.

Read a third time, under a suspension of the constitutional rule, and passed.

Mr. Aldridge, from the committee on propositions and grievances, reported favorably on the following bills:

For the relief of James M. Hackney;

To prevent the sale of spirituous liquors within two miles of Spring Hill College, in Mobile county;

Which bills were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Griffin, of Marshall, from the committee on accounts and claims, reported favorably on the following bills:

To compensate William S. Gray for apprehending a person therein named charged with felony;

For the relief of M. J. Kenon, sheriff of Dallas county;

Which bills were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to the following bills:

For the relief of John B. Tolley, of Jackson county, and other persons therein named;

To compensate Richard H. Oakley, sheriff of Bibb county, for services rendered the State;

Which reports were concurred in and the bills lost.

Mr. Starke, from the committee on divorce and alimony, reported favorably to the following bills:

To divorce certain persons therein named;

For the relief of Alexander Dean;

Which bills were read a third time, under a suspension of the constitutional rule, and passed.

Mr. Walker, from the judiciary committee, reported favorably, with amendments, to the following bills:

For the relief of the children of Gabriel Wharton Long;

To regulate the practice of the supreme court;

To amend section 2813 of the Code of Alabama;

To compensate jurors of coroners' inquests in Dale county.

Amendments adopted, and the bills, under a suspension of the constitutional rule, read a third time and passed.

Also, from the same committee, reported adversely to the following bills:

To alter and amend section 2165 of the Code of Alabama;

For the more effectual prohibition of slaves trafficking on steamboats;

Which reports were concurred in and the bills lost.

Mr. Clitherall, from the same committee, reported a substitute for the bill to define the fees of sheriffs in the allotment of dower.

Substitute adopted, and, under a suspension of the constitutional rule, read a third time and passed.

Mr. Parsons moved to take a recess and prepare for the reception of the Senate.

Carried.

At the hour of 12 o'clock the Senate appeared in the hall of the House of Representatives and by invitation, when the two Houses, in joint convention, proceeded to the election of a comptroller, treasurer and adjutant-general.

W. J. Greene being alone in nomination, and having received the whole number of votes cast, to wit: 105, was declared by Mr. Speaker to be duly and constitutionally elected treasurer for the term prescribed by law.

The two Houses then, in joint convention, proceeded to the election of a treasurer.

Duncan B. Graham alone being in nomination, and having received the whole number of votes cast, to wit: 98, was declared by Mr. Speaker to be duly and constitutionally elected treasurer for the term prescribed by law.

The convention then proceeded to the election of an adjutant-general.

Joel Riggs alone being in nomination, and having received the whole number of votes cast, to wit: 109, was declared by Mr. Speaker to be duly and constitutionally elected adjutant-general for the time prescribed by law.

The Senate then withdrew to its chamber.

Mr. Walker offered the following rule, which lies over one day:

*Resolved*, That hereafter, the House will meet at 10 A. M. and adjourn at 3 o'clock P. M. each day.

Mr. Cooper moved to suspend the orders of the day to take up the bill to regulate judicial proceedings and for other purposes, and the bill to extend the payment of debts in this State, with the amendments thereto.

Carried.

The chair decided the motion of Mr. Wright yesterday to be out of order.

Mr. Parsons moved to amend by striking out the words "of record," in the third line of 2d section.

Carried.

Mr. Parsons moved to strike out in the 18th line of the 2d section of the bill the word "next," and insert the words "the return"; also, to strike out in the nineteenth line of the 2d section "after said default," and add in the twenty-fourth line of the 2d section after the word "actual," the word "value," which amendments were adopted.

Mr. Walker moved to amend the 1st section as follows:

"Under this section, when suits are hereafter brought in the city court of Mobile to the March or June term of said court, said term shall be held as the return term, and said suits shall stand for trial at the next succeeding December term; and suits that may be brought returnable to the December term, said December term shall be held as the return term, and said suits shall stand for trial at the next succeeding June term. The said June term shall commence on the 3d Monday in May of each year during the continuance of this act."

Carried.

Mr. Parsons moved to amend: Strike out the words "of record," in the second line, and add after "former," in the twelfth line, the word "bond," in the 3d section.

Carried.

Mr. Parsons moved the following at the end of section 6:

*Provided*, That during the existence of this law, the right to sue out attachments under the provisions of existing laws shall not be interfered with."

Adopted.

Mr. Parsons moved to amend by striking out of the second line of section 6, the words "January, 1868," and insert "June, 1862."

Adopted.

Mr. Warren moved to adjourn till 10 o'clock to-morrow morning.

Lost.

Mr. Parsons moved to amend :

"SECTION 7. *And be it further enacted,* That the provisions of this act shall not be held to apply to any description of judgments in any court against defaulting public officers for failing to pay over money, or any breach of the duties required of them by law, nor against trustees for any fraudulent use of trust funds, but such suits and judgments and executions founded thereon shall be regulated in all respects by the laws heretofore in force in such cases."

Adopted.

Mr. Mabry moved to amend by adding :

"SECTION 8. *And be it further enacted,* That nothing herein contained shall operate so as to prevent or postpone the payment of sheriffs' fees or other costs accruing on executions issued by any of the courts of this State."

Lost.

Mr. Parsons moved to amend by striking out in the eleventh line of the 1st section the words, "the decree," and insert the words, "a bill may be exhibited;" and strike out the words, "be rendered," in the same line and section.

Adopted.

Mr. Parsons moved to amend by striking out of the second and third line of the 5th section the words, "on the first Mondays in January, April, July and October," and insert the words, "at such times as the justices in each beat may appoint."

Mr. Clitherall moved to amend by striking out the first section of the substitute.

Lost.

Mr. Clitherall moved to strike out after the word "nature," in the ninth line, the words, "the securities shall not be held liable therefor, if it should die before default."

Lost

Mr. Clitherall moved to strike out "quarterly" and insert "monthly," in the second line of section 5.

Lost.

Mr. Walker moved to amend by way of substitute for the whole subject as follows :

"That the property, real and personal, of all persons who are or may be engaged in the actual military service of this State, shall be exempted from levy and sale under legal process while so engaged, and for at least sixty days after such

persons shall have been relieved or discharged from such service."

Mr. Cooper moved that the amendment of Mr. Walker be incorporated in the substitute of the committee as section 8.

Carried.

The question then recurred on the adoption of the substitute of Mr. Rice.

Mr. Powell moved to adjourn till 10 o'clock to-morrow morning.

Lost.

Mr. Martin moved to amend the substitute of Mr. Rice by adding section 7 of the substitute of the committee, which was accepted by Mr. Rice.

Mr. Rice incorporated section 8 of the substitute of the committee into his substitute.

Mr. Parsons moved to lay the substitute of Mr. Rice on the table, which was carried.

Yeas 43—Nays 35.

YEAS—Messrs. Adams, Aldridge, Bell, Bibb, Brown, Burgess, Bush, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Dark, Ferrell, Fielder, Forney, Forsyth, Gibson, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Jack, Latham, Lyon, McMurray, Millsap, Neal, Parsons, Seale, Slater, Smith of Coosa, Walden of Morgan, Warren, and Wright.

NAYS—Messrs. Speaker, Blake, Bradley, Brooks, Bryan, Carlyle, Carter, Chambers, Clitherall, Cunningham of Macon, Davidson, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Hobbs, Huckabee, Irby, Lane, Lloyd, Mabry, Martin, Overall, Powell, Pratt, Rice, Scott, Tait of Wilcox, Thomas, Van De Graaff, Walden of Coosa, Walker, White, Whitfield, and Woods.

Mr. Fielder moved the following as a substitute for the substitute of the committee:

1st. That from and after the passage of this act, it shall not be lawful for any court, judge, or justice of the peace, of this State, to render up any judgment upon any suit now pending, or which may be hereafter brought, upon any bond, promissory note, bill of exchange, or other contracts, whether verbal or in writing, for the payment of money, until after the 15th day of January, 1862.

2d. *And be it further enacted*, That it shall not be lawful for any clerk or register of any of the courts of record of this



State, or any justice of the peace, to issue any execution founded on any judgment rendered in any of the courts of this State before the 1st day of May, 1862.

3. *And be it further enacted*, That all executions issued before and after the passage of this act on any judgments rendered in any of the courts of this State, be and the same are hereby made inoperative until the 1st day of May, 1862: *Provided*, That when an execution shall have been levied on personal property before the passage of this act, the defendant in execution, his agent or attorney, shall be required to give bond with good security for the forthcoming of said property on the 1st Monday in May, 1862: *Provided, further*, That nothing in this act shall be so construed as to effect the lien created by the levying of such execution.

4. *And be it further enacted*, That when any deed of trust or mortgage, with power of sale, shall have been executed in this State, to secure the payment of any debt or debts, it shall not be lawful for any trustee or creditor named in such deed, to sell any property so conveyed before the 1st Monday in May, 1862, without having such property in possession.

5. *And be it further enacted*, That nothing contained in this act shall be construed as to interfere with the enforcement of attachment law now in force in this State, or to apply to defaulting officers.

6. *And be it further enacted*, That all laws or parts of laws providing for the assessment of damages on bills of exchange, foreign or domestic, be and the same are hereby repealed.

Mr. Scott moved to lay the amendment of Mr. Fielder on the table, which was carried. Yeas 50—Nays 27.

YEAS—Messrs. Speaker, Adams, Bell, Blak, Bradley, Brooks, Brown, Bryan, Bush, Carlyle, Carter, Chambers, Clapp, Cooper, Cowan, Cunningham of Macon, Dark, Davidson, Forney, Forsyth, Griffin of Jackson, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hoobs, Holley of Tallapoosa, Hubbard, Humphries, Irby, Jack, Lane, Latham, Lloyd, Lyon, Mabry, McMurry, Meadows, Neal, Overall, Parsons, Powell, Scott, Seale, Smith of Coosa, Tait of Wilcox, Thomas, Walden of Coosa, Warren, White and Wright.

NAYS—Messrs. Aldridgs, Bibb, Burgess, Clifton, Clitherall, Cunningham of Cherokee, Fielder, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hightower, Holley of Covington, Huckabee, Hudgins, Martin, Millsap, Pratt, Rice, Slater, Van De Graaff, Walden of Morgan, Walker, Whitfield and Woods.

Mr. Woods moved to amend the 8th section of the bill as follows: After the word "State," where it occurs in the 8th section, insert the words "out of their surities and endorsers."

Mr. Parsons moved to strike out all after the enacting clause, of the substitute reported by the committee.

At 3½ o'clock, Mr. Lyon moved to adjourn till 10 o'clock to-morrow. Lost.

Mr. Goldsmith moved to lay the substitute on the table.

Mr. Clitherall called for a division of the question, on the motion of Mr. Parsons to strike out.

Mr. Speaker declared that it was not divisible.

Mr. Clitherall appealed from the decision of the chair.

The question being, shall the decision of the chair stand as the judgment of the House, and the House sustained the chair.

At 25 minutes to 4 o'clock, Mr. Clitherall moved to adjourn till 10 o'clock to-morrow.

Lost. Yeas 21—Nays 55.

YEAS—Messrs. Bradley, Bryan, Carter, Clitherall, Forsyth, Gilchrist, Goldsmith, Hobbs, Holley of Covington, Huckabee, Hudgins, Lyon, Martin, Overall, Powell, Pratt, Rice, Van DeGraaff, Walker, Whitfield and Woods.

NAYS—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Blake, Brooks, Brown, Burgess, Bush, Carlyle, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Humphries, Irby, Jack, Lane, Latham, Lloyd, Mabry, McMurry, Meadows, Millsap, Neal, Parsons, Scott, Seale, Slater, Smith of Coosa, Thomas, Walden of Coosa, Walden of Morgan, Warren and Wright.

Mr. Clitherall moved to postpone the further consideration of the bill until Saturday 12 o'clock, and make it the special order for that hour.

Lost. Yeas 11—Nays 57.

YEAS—Messrs. Bryan, Carlyle, Clitherall, Forsyth, Goldsmith, Huckabee, Martin, Overall, Powell, Walker and Woods.

NAYS—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Blake, Brooks, Brown, Burgess, Bush, Carter, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Ferrell, Forney, Fountain,

Gibson, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Irby, Lane, Latham, Lloyd, Lyon, Mabry, McMurry, Meadows, Millsap, Neal, Parsons, Pratt, Scott, Seale, Slater, Smith of Coosa, Tait, of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Warren and Wright.

At 12 minutes to 4 o'clock p. m., Mr. Martin moved to adjourn till to-morrow morning 10 o'clock.

Lost. Yeas 19—Nays 51.

YEAS—Messrs. Bryan, Clitherall, Forsyth, Gilchrist, Goldsmith, Holley of Covington, Humphries, Lane, Lyon, Martin, Overall, Powell, Pratt, Rice, Smith of Coosa, Van DeGraaff, Walker, White and Woods.

NAYS—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Blake, Brooks, Brown, Burgess, Bush, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Davidson, Ferrell, Fielder, Fountain, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Jack, Latham, Lloyd, Mabry, McMurry, Meadows, Millsap, Neal, Parsons, Scott, Seale, Slater, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Warren and Wright.

Mr. Goldsmith moved the previous question.

Mr. Clitherall moved to postpone the further consideration of the subject until to-morrow, and that it be the first business in order after the reading of the journal, when,

On motion of Mr. Lyon, at 4 o'clock p. m., the House stood adjourned until ten minutes after 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, {  
January 31, 1861. }

House met pursuant to adjournment.

Journal read, corrected and approved.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on divorce and alimony.

Mr. Speaker offered the following resolution:

*Resolved*, That the committee on the State Capitol be instructed to have the present ragged covering removed from the floor of the rotunda and passages, and some neat but cheap carpeting placed in its stead, and also to put the entire building in good order.

Mr. Speaker announced Mr. Woods a member of the committee on the State Capitol and postal arrangements.

Mr. Goldsmith moved that Messrs. Lyon and Pratt be added to committee on State Capitol. Carried.

Mr. Walden of Coosa, presented a petition of sundry citizens of Wetumpka against the passage of a bill for the relief of W. C. Penick.

The question being upon reconsidering the vote by which the House had passed the bill for the relief of W. C. Penick, the House refused to reconsider.

The House proceeded to the consideration of the bill to regulate judicial proceedings, and for other purposes.

Mr. Goldsmith withdrew his motion for the previous question.

Mr. Parsons withdrew his motion to strike out all after the enacting clause.

Mr. Lyon moved to go into committee of the whole. Lost.

Mr. Clitherall moved to amend after the word "term," in the 8th line of section 1st, by inserting "and the parties in the law courts shall not be required to plead at the first term, except pleas in abatement shall be plead as now required by law." Adopted.

Mr. Parsons moved to amend after the word "before," in the 10th line of the 2d section, as follows: "without fault on the part of the defendant," and strike out "default" in same line and section.

Adopted.

Mr. Parsons moved to strike out the word "default," in the 26 line of the 2d section and insert the following: "and the law days of the bond without fault on the part."

Adopted.

Mr. Parsons moved to amend at end of third section as follows: "*Provided*, that in all cases where there is a failure to hold court, the sheriff shall make return of forfeited on the bonds provided for in this and the preceding section, in the clerk's office, and execution issued thereon as though it had been done in open court."

Adopted.

Mr. Walden of Coosa, moved to amend at the end of the third section, "with power to sell the same on the first Monday in December next after said return."

Lost.

Mr. Walden of Coosa moved to amend in the 7th line of

section 4, after the word "mortgage," "executed after the passage of this act on any real estate."

Lost.

Mr. Overall moved to strike out the word "grantor," in the 11th line of section 4, and insert the word "sheriff;" after the word "shall," in the 12th line of section 4, insert the following: "take the property in possession unless the grantor;" after the word "surities," in the 13th line of section 4, add "as in detinue cases."

Adopted.

Message from the Governor.

*Mr. Speaker:*

His excellency the Governor has approved bills which originated in the House of Representatives of the following titles:

An act to raise money to provide for the military defence of the State of Alabama;

An act for the relief of Martha B. Adams;

An act to authorize the extension of 16th section notes;

An act to repeal in part section 2398 of the Code, so far as the same relates to townships;

An act to divorce Arthur Beardin from his wife, Nancy A. Beardin, and to divorce other persons therein named;

An act to authorize Talbot Adams and Andrew Lyon to construct gates across the Vienna and Cooksville road, in Pickens county, and to amend section 1177 of the Code;

An act for the relief of the late sheriff of Tuscaloosa county;

An act to prohibit the sale of spirituous or intoxicating liquors within one mile of Dublin, in Perry county, and Spring Hill church, in Pickens county;

An act to give the judge of probate of Dallas county jurisdiction of the estate of Robert Craig, deceased, late of Sumter county;

An act to make certain provisions for the volunteers now in service at Pensacola;

An act to establish a medical board in St. Clair county;

An act to authorize John Cocke, administrator of the estate of Wm. T. Cheney, deceased, to make complete payment for certain lands therein named, and a patent to issue therefor;

An act to divorce Rachael H. Weathers from Francis T. Weathers, and other persons therein named;

An act to authorize the clerks of the lower courts to issue execution for their costs in appeal cases;

An act to amend an act entitled an act to regulate and define the duties and liabilities of rail road companies in this State, approved February 6th, 1858;

An act the more effectually to secure subordination among slaves in the county of Shelby;

An act to compensate jurors on Coroner's inquests in the counties of Chambers, Russell, Montgomery and Autauga;

An act to repeal in part an act approved February 24th, 1860, to amend section 499 of the Code, so far as Lauderdale and Coosa counties are concerned;

An act to give greater efficiency to the military department of the University of Alabama;

An act to increase the pay of grand and petit jurors in the county of Dale.

I also herewith return to the House of Representatives, in which it originated, without the approval of the Governor, and with his objections thereto, a bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Lineville Baptist church, in the county of Shelby.

WATKINS PHELAN,  
Private Secretary.

Message from the Senate.

SENATE, January 31.

*Mr. Speaker :*

The Senate has passed the following House bills :

To amend an act to prohibit the sale of intoxicating liquors within certain limits in Limestone county;

To prevent the retail of ardent or vinous liquors in the village of Hamburg, in Perry county;

To fix the compensation of bailiffs in the circuit courts of Pickens, Coosa, and other counties;

To conditionally relieve from military duty certain persons therein named;

To authorize the Governor to distribute certain arms;

For the relief of Rufus Green;

To regulate the time of the trial of State cases in the circuit court for the county of Chambers.

The Senate recedes from its amendment to the House bill to amend an act entitled an act to loan and appropriate the three per cent. fund and its interest.

The Senate has originated and passed the following bills :

To exempt certain property from levy and sale for the use of families;

To change the name of Buzbeeville, in Coffee county, to Victoria, and for other purposes;

To legalize the suspension of specie payments by certain banks of Alabama.

M. TAUL, Secretary.

Mr. Parsons moved to amend by striking out all after the word "before," in the 18th line of section 4, and insert "the law day of the bond without fault on the part of the defendant." Adopted.

Mr. Clitherall moved to amend by striking out the words "has been or," in the 2d line of the 4th section.

Lost.

Mr. Overall moved to amend by striking out the words "the return term thereof, and "the next succeeding term," in the 13th and 14th lines of section 5.

Lost.

Mr. Walden of Coosa, moved to amend as follows: After the word "allowed," in the 16th line, insert the following, "unless it shall be made to appear to the satisfaction of the Court, that the object of the defendant was to delay the payment of said debt." Lost.

Mr. Overall moved to amend by striking out the words "at any time, after the rendition thereof and before the payment of the same," in the 9th and 10th lines, and insert the words "within ten days after judgment."

Mr. Clitherall moved to amend at the end of the 5th Section as follows: "*Provided*, that the act shall cease to be in operation, after the 3rd week of the next regular session of the General Assembly." Lost.

Mr. Lyon moved to strike out all after the enacting clause in the bill and insert the following :

"That hereafter in the commencement of suit in the several courts of law or equity in this State, the court to which any suit, writ, complaint, or bill, may be made returnable shall be deemed and held as the return term of such suit, writ, complaint, or bill, and the same shall stand for trial at the next succeeding regular term of such court appointed by law to be holden after such return term.

SEC. 2. *Be it further enacted*, That in any case where any execution shall have issued or may be issued, founded upon any judgment or decree of any court of record in this State, it shall and may be lawful for the sheriff or other officer authorized to levy such execution, to take from the defendant or defendants therein a forthcoming bond, with at least two

good sureties, conditioned for the delivery of any property levied upon to satisfy such execution at the place where the same may be made returnable on the day of such execution ; and in the event of a failure to deliver such property on the return day of the execution, according to the condition of the forthcoming bond, the sheriff or other officer levying such execution shall return such forthcoming bond "forfeited ;" and such return shall have the force and effect of a judgment against the principal and sureties therein for the full amount of the original judgment and interest and costs thereon, and execution shall issue thereon accordingly, and thereafter no additional forthcoming bond shall be taken.

SEC. 3. *Be it further enacted,* That in cases where any deed or trust or mortgage, with power of sale, shall have been executed in this State, to secure the payment of any debt or debts, it shall not be lawful for the trustee or the creditor named in such deed to sell any property so conveyed, without having the actual possession thereof, so as to deliver the same to the purchaser upon making said sale ; and in the event the grantor in any such deed of trust or mortgage, with power of sale, shall fail on demand to deliver possession of any property or estate so conveyed, after having made default in the payment of the debt thereby secured, it shall be lawful for the trustee or creditor claiming to have the legal title to sue for the possession of the same ; and, if personal property, the grantor, upon such suit being brought and affidavit of title being made, stating that the property sued for was claimed under a deed of trust with power of sale, and describing such property, shall give bond with good security, as in detinue cases, to be approved by the sheriff or officer serving the writ, conditioned for the forthcoming of the property sued for, to answer the lien created by any such deed or mortgage, or in default thereof to pay such debt and interest thereon, with all costs. The sheriff, upon levying any such execution, shall take possession of the property sued for, and in the event the defendant shall fail to give such bond with security within five days after the service of the writ, the property sued for shall be delivered to the trustee or mortgagee.

SEC. 4. *Be it further enacted,* That hereafter justices' courts in this State for the trial of civil causes shall be held quarterly, on the first Saturday in January, April, July and October ; and on all judgments rendered by any justice in any civil cause the party or parties against whom such judgment may be rendered shall, at any time after the rendition of such



judgment, and before the payment of the same, have the right of appeal to the next term of the circuit court of the county in which such judgment may be rendered, upon giving such bond with surety as is now required by law in appeal cases; and the term to which such appeal may be taken shall be the return term thereof, and the next succeeding term the trial term; and in no case of appeal shall an attorney's fee be allowed or county tax on the suit be charged, unless the expense of a jury trial be incurred; nor shall any damages over and above the principal and interest in any case of such appeal be allowed. Justices of the peace shall make executions issued by them returnable to the quarterly term of their courts next, after the rendition of any judgment.

SEC. 6. *Be it further enacted*, That the provisions of this act shall not be held to apply to suits of any description or judgments in any court against defaulting public officers, for failing to pay over money, or for any breach of the duties required of them by law; nor against trustees for any fraudulent use of trust funds, but such suits and judgments and executions founded thereon, shall be regulated in all respects by the laws heretofore in force in such cases.

SEC. 7. *And be it further enacted*, That the several sections of this act, except the first section, shall be limited in their operation to the first day of June, 1862.

Mr. Walker called for a division of the question; and the question first was on the striking out, which was lost. Yeas 34—Nays 48.

YEAS—Messrs. Speaker, Barlow, Bradley, Brooks, Bryan, Carlyle, Carey, Chambers, Clitherall, Cunningham of Macon, Davidson, Forsyth, Gilchrist, Goldsmith, Hobbs, Huckabee, Irby, Lane, Lyon, Mabry, Martin, Meadows, Overall, Powell, Pratt, Rice, Smith of Coosa, Smith of Lauderdale, Starke, Van DeGraaff, Walker, White, Whitfield and Woods.

NAYS—Messrs. Adams, Aldridge, Bell, Bibb, Blake, Brown, Burgess, Bush, Carter, Clapp, Clifton, Cooper, Cowan, Cunningham of Clarke, Dark, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Jack, Jones, Latham, Lloyd, McMurray, Millsap, Neal, Parsons, Scott, Seale, Shepard, Slater, Tait of Wilcox, Walden of Morgan, Warren and Wright.

The question was then upon the adoption of the substitute of the committee. Yeas 47—Nays 37.

Substitute adopted.

YEAS—Messrs. Adams, Aldridge, Bell, Bibb, Blake, Brown, Burgess, Bush, Carlyle, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Jack, Jones, Latham, Lloyd, McMurray, Millsap, Neal, Parsons, Seale, Slater, Tait of Wilcox, Walden of Morgan, Warren and Wright.

NAYS—Messrs. Speaker, Barlow, Bradley, Brooks, Bryan, Carter, Carey, Chambers, Clitherall, Cunningham of Macon, Forsyth, Gilchrist, Goldsmith, Hobbs, Huckabee, Humphries, Irby, Lane, Lyon, Mabry, Martin, Meadows, Overall, Powell, Pratt, Rice, Scott, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Van DeGraaff, Walden of Coosa, White, Whitfield and Woods.

Mr. Rice moved that the House adjourn until 3 o'clock P. M. Lost. Yeas 16—Nays 62.

YEAS—Messrs. Brown, Bryan, Carey, Clitherall, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Lane, Mabry, Martin, Overall, Rice, Smith of Coosa, and Van DeGraaff.

NAYS—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowen, Blake, Bradley, Burgess, Bush, Carlyle, Carter, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Davidson, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herman, Hightower, Hubbard, Huckabee, Irby, Jack, Jones, Latham, Lloyd, Lyon, McMurray, Meadows, Millsap, Neal, Parsons, Powell, Pratt, Scott, Seale, Shepard, Slater, Starke, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, Whitfield, Woods and Wright.

The bill was then read a third time forthwith and passed. Yeas 43—Nays 36.

YEAS—Messrs. Abney, Adams, Aldridge, Barlow, Bell, Bibb, Blake, Burgess, Bush, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herman, Hightower, Holley of Covington, Hubbard, Hudgins, Jack, Jones, Latham, Lloyd, McMurray, Millsap, Neal, Parsons,

Seale, Slater, Walden of Coosa, Walden of Morgan, Warren and Wright.

NAYS—Messrs. Speaker, Bowen, Bradley, Brown, Bryan, Carlyle, Carter, Carey, Chambers, Clitherall, Cunningham of Macon, Forsyth, Gibson, Gilchrist, Goldsmith, Hobbs, Holley, of Tallapoosa, Huckabee, Irby, Lane, Lyon, Mabry, Martin, Meadows, Overall, Powell, Pratt, Rice, Scott, Shepard, Smith of Coosa, Starke, Thomas, Van DeGraaff, Walker, Whitfield and Woods.

Mr. Walker moved to reconsider the vote by which the bill passed, and to lay the motion on the table.

Mr. Speaker (Mr. Irby in the chair) moved to adjourn till 10 o'clock to-morrow.

Lost.

Mr. Speaker moved to postpone the motion of Mr. Cooper until 10 o'clock to-morrow. Lost.

The question then recurred on the motion of Mr. Cooper, and the motion prevailed.

Mr. Walker's resolution, offered yesterday, then came up, called up by him. It was considered and adopted.

The Senate bill to legalize the suspension of specie payments by certain banks of Alabama was read the first time, the constitutional rule suspended, read the second time and made the first business in order after the reading of the journal on to-morrow.

The House then, on motion of Mr. Powell, adjourned till to-morrow morning at 10 o'clock.

HOUSE OF REPRESENTATIVES, }  
February 1, 1861. }

House met pursuant to adjournment.

Journal read and approved.

Leave of absence was granted to Mr. Griffin, of Jackson.

Mr. Walker, from the judiciary committee, with leave, reported a bill with amendment, to secure the rights of patentees and authors and their assigns in the State of Alabama. Amendment adopted. Under a suspension of the constitutional rule, it was read a third time and passed, and ordered forthwith to the Senate.

Mr Clitherall offered the following joint resolution :

*Resolved*, That the Secretary of the Senate cause engrossed copy of the joint resolutions on the subject of secession to be framed in Alabama Oak, and hung in the Representative Hall, behind the Speaker's chair.

Adopted.

Mr. Ferrell introduced a bill to incorporate the Chalafirmee Academy. in Randolph county. Read once, the constitutional rule suspended, read a second and third time and passed.

Mr. Cunningham, of Macon, introduced a bill to constitute Mary A. E. Moon a free dealer. Read once, the constitutional rule suspended, read again and referred to the judiciary committee.

Message from the Governor, which was read and referred to the committee on the State Capitol.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 31, 1861. }

*Hon. A. B. Meek,*

*Speaker House Representatives:*

SIR: As by the invitation of the people of Alabama, in convention assembled, the seceding and other slaveholding States will meet in this city on next Monday, for the purpose of forming a provisional government, and of preparing a permanent constitution for said States, I respectfully suggest, for your consideration, the propriety of tendering to the convention of the seceding States the use of the Hall of the House of Representatives, during their session, and of having the hall properly lighted and furnished for that purpose.

I will cheerfully co-operate in such action as may be taken to accomplish this matter.

Respectfully,  
A. B. MOORE.

Message from the Governor.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., Jan. 31, 1861. }

*Gentlemen of the House of Representatives:*

A bill to be entitled "An act to prohibit the sale of spirituous liquors within three miles of Lineville Baptist church, in the county of Shelby, is herewith returned without my approval, for the reason that it prohibits the sale of ardent spirits within the distance prescribed in said act for any purpose whatever. I have invariably refused to approve all bills of this description which did not permit the sale for a medicinal purpose.

I have ever been disposed to discourage the intemperate use of ardent spirits in every form, but when such prohibition denies the sale for useful and beneficial purposes, it cannot receive my sanction.

Very respectfully,  
A. B. MOORE.

Which was read, and the House refused to pass the bill over the veto. Yeas 0—Nays 78.

NAYS—Messrs. Speaker, Abney, Adams, Aldridge, Barlow, Bell, Bibb, Bowen, Blake, Bradley, Brown, Bryan, Burgess, Bush, Carlyle, Carter, Carey, Chambers, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Davidson, Ferrell, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Irby, Jack, Jones, Lane, Latham, Lloyd, Lyon, Mabry, Martin, McMurry, Meadows, Millsap, Musgrove, Overall, Parsons, Powell, Scott, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods and Wright.

Mr. Clitherall moved to suspend the consideration of the bill legalizing the suspension of specie payments by certain banks of Alabama. Lost.

Mr. Lyon moved to suspend the consideration of the same bill to offer a resolution.

*Resolved, by the House of Representatives,* That the use of the Hall of the House be tendered to the Congress of seceding States, to assemble in this city on Monday next, the 4th inst., and that to enable the committee appointed for that purpose to have the Hall of the House prepared for the accommodation of the Congress aforesaid, this House, will, at the close of its session to-day, adjourn till Monday next at 10 o'clock. Lost.

The House refused to suspend.

Message from the Governor, by Mr. Phelan, his Private Secretary.

*Mr. Speaker:*

His Excellency the Governor has approved bills which

originated in the House of Representatives, of the following titles :

An act to conditionally relieve from military duty certain persons therein named ;

An act for the relief of Rufus Greene ;

An act to authorize the Governor to distribute certain arms ;

An act to regulate the time for the trial of State cases in Chambers county ;

An act to accept the aid of certain patriotic citizens ;

An act to authorize the courts of county commissioners to establish medical boards in their respective counties.

WATKINS PHELAN,  
Private Secretary.

Mr. Rice moved to suspend the rule requiring the House to adjourn at 3 P. M. Lost.

Message from the Governor.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., February 1, 1861. }

*Hon. A. B. Meek,*

*Speaker House of Representatives :*

SIR : It becomes my duty to communicate to your body the resignation of R. T. Thom, Quartermaster-General of the State. The office is now vacant.

Respectfully,  
A. B. MOORE.

Message from the Senate.

SENATE, February 1, 1861.

*Mr. Speaker :*

The Senate has amended as therein shown and passed the House bill :

To alter and amend the act to provide for the preparation of a revised Code of Alabama, of a general and public nature.

The Senate has passed the House bill,

To postpone the lien of the State of Alabama on the Tennessee and Coosa rail road.

The Senate has adopted the following resolution :

*Resolved*, That, the House of Representatives concurring,

the two Houses will adjourn *sine die* at 12 o'clock M., Monday, 6th February.

M. TAUL, Secretary.

The House proceeded to the consideration of the special order, being the bill to legalize the suspension of specie payments by certain banks of Alabama.

Mr. Smith, of Lauderdale, moved the previous question. Carried. Yeas 45—Nays 39.

YEAS—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bowen, Blake, Bryan, Bush, Carter, Carey, Chambers, Clitherall, Coleman, Cunningham of Macon, Dark, Forney, Forsyth, Gilchrist, Goldsmith, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hobbs, Hudgins, Humphries, Irby, Jack, Latham, Lyon, Mabry, Overall, Pratt, Rice, Scott, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Morgan, Walker, White, Whitfield and Woods.

NAYS—Messrs. Aldridge, Bibb, Bradley, Brown, Burgess, Carlyle, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Davidson, Ferrell, Fielder, Fountain, Gibson, Griffin of Jackson, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Jones, Lane, Lloyd, McMurry, Meadows, Millsap, Musgrove, Neal, Parsons, Powell, Seale, Slater, Starke, Van DeGraaff, Walden of Coosa, Warren and Wright.

The bill was then ordered to a third reading. Yeas 34, Nays 32.

YEAS—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bowen, Blake, Brown, Bryan, Burgess, Bush, Carter, Carey, Chambers, Clitherall, Cowan, Cunningham of Macon, Dark, Ferrell, Forney, Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hobbs, Holley of Tallapoosa, Hudgins, Humphries, Irby, Latham, Lyon, Martin, Neal, Overall, Pratt, Rice, Scott, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Walker, White, Whitfield and Woods.

NAYS—Messrs. Aldridge, Bibb, Bradley, Carlyle, Clapp, Clifton, Coleman, Cooper, Cunningham of Cherokee, Davidson, Fielder, Gibson, Griffin of Jackson, Hightower, Holley of Covington, Hubbard, Huckabee, Jack, Jones, Lane, Lloyd, McMurry, Meadows, Millsap, Musgrove, Parsons, Powell, Seale, Slater, Van DeGraaff, Warren and Wright.

Mr. Rice moved to reconsider the vote by which the House adopted the resolution of Mr. Walker to meet at 10 a. m., and adjourn at 3 p. m. Lost. Yeas 27—Nays 58.

YEAS—Messrs. Bowen, Brown, Bryan, Carey, Chambers, Cunningham of Macon, Dark, Gilchrist, Goldsmith, Griffin of Marshall, Hobbs, Hubbard, Hudgins, Irby, Jack, Lyon, Mabry, Martin, Overall, Pratt, Rice, Scott, Smith of Lauderdale, Starke, Tait of Wilcox, Thomas, Walker and Woods.

NAYS—Messrs. Abney, Adams, Aldridge, Barlow, Bell, Bibb, Blake, Bradley, Burgess, Bush, Carlyle, Carter, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Davidson, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Jones, Lane, Latham, Lloyd, McMurry, Meadows, Millsap, Musgrove, Neal, Parsons, Powell, Seale, Shepard, Slater, Smith of Coosa, Van DeGraaff, Walden of Coosa, Walden of Morgan, Warren, White, Whitfield and Wright.

Mr. Hubbard moved to suspend the rule requiring the House to adjourn at 3 p. m. Lost. Yeas 36—Nays 48.

YEAS—Messrs. Speaker, Abney, Barlow, Bowen, Bradley, Bryan, Carlyle, Carey, Chambers, Clitherall, Cunningham of Macon, Gilchrist, Goldsmith, Griffin of Marshall, Hearin of Clarke, Hobbs, Hubbard, Hudgins, Irby, Lane, Lyon, Mabry, Martin, Musgrove, Overall, Powell, Pratt, Rice, Scott, Smith of Lauderdale, Starke, Tait of Wilcox, Walker, White, Whitfield and Woods.

NAYS—Messrs. Adams, Aldridge, Bell, Bibb, Blake, Brown, Burgess, Bush, Carter, Clapp, Clifton, Coleman, Cooper, Cowen, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Herrin of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Jones, Latham, Lloyd, McMurry, Meadows, Millsap, Neal, Parsons, Seale, Slater, Smith of Coosa, Thomas, Van DeGraaff, Walden of Morgan, Warren and Wright.

Mr. Clitherall move to postpone the further consideration of the bill until 11 o'clock on to-morrow.

Carried.

The hour of 3 o'clock having arrived, the House stood



adjourned until 10 o'clock to-morrow morning; Mr. Clithcrall having the floor.

HOUSE OF REPRESENTATIVES, }  
February 2d, 1861. }

House met pursuant to adjournment.

Reading of the journal was dispensed with.

CALL OF COUNTIES.

Mr. Davidson introduced a bill to regulate jailor's fees read once, the constitutional rule suspended, read a second time and referred to the committee of ways and means.

Mr. Cunningham, of Cherokee, introduced a bill to repeal an act therein named; read once, the constitutional rule suspended, read again and referred to the committee on local legislation.

Mr. Walden, of Coosa, introduced a bill in relation to guardians of idiots, lunatics, and persons *non compos mentis*; read once, the constitutional rule suspended, read a second and third times and passed.

Mr. Walden, of Coosa, introduced a bill to provide for the payment of the members and officers of the General Assembly; read once, the constitutional rule suspended, read again, when

Mr. Starke moved to amend by striking out the last section of the bill.

Carried.

Mr. Abney moved to strike out "six" and insert "four." Lost. Yeas 21—Nays 50.

YEAS—Messrs. Abney, Aldridge, Barlow, Brown, Burgess, Bush, Carlyle, Clapp, Clifton, Cowan, Cunningham of Cherokee, Griffin of Dale, Herrin of Tallapoosa, Hightower, Hobbs, Lane, Latham, Lloyd, Millsap, Musgrove and White.

NAYS—Messrs. Speaker, Bell, Bibb, Bowen, Blake, Bradley, Bryan, Carter, Chambers, Clitherall, Coleman, Cooper, Cunningham of Macon, Dark, Forney, Fountain, Gilchrist, Griffin of Marshall, Herman, Hubbard, Hudgins, Humphries, Jack, Jones, Lyon, Mabry, Martin, McMurry, Neal, Overall, Parsons, Powell, Pratt, Rice, Scott, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Walker, Whitfield, Woods and Wright.

Mr. Overall introduced a bill to be entitled an act to make the bills of the suspended banks a legal tender; read once, the constitutional rule suspended, read again, when

Mr. Smith, of Lauderdale, moved to lay the bill on the table. Lost.

Mr. Parsons moved to refer the bill to the judiciary committee. Carried.

Mr. Walker moved to suspend the call of the counties to take up the bill with the amendment of the Senate to alter and amend the act to provide for the preparation of a revised Code of Alabama; of a general and public nature.

Carried.

Said bill was taken up and the House concurred in the amendment of the Senate thereto.

Mr. Abney moved to suspend the call of the counties to take up the Senate resolution to adjourn *sine die* on Wednesday at 12 o'clock m. Carried. Yeas 39—Nays 38.

YEAS—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Carlyle, Clapp, Clifton, Coleman, Cowan, Dark, Davidson, Ferrell, Fountain, Gilchrist, Hearin of Clarke, Herrin of Tallapoosa, Hightower, Holley of Covington, Humphries, Jack, Jones, Lane, Latham, Lloyd, Lyon, McMurray, Neal, Powell, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thomas, Warren, White and Whitfield.

NAYS—Messrs. Speaker, Adams, Bowen, Bradley, Brown, Bryan, Burgess, Bush, Carter, Chambers, Clitherall, Cooper, Cunningham of Cherokee, Cunningham of Macon, Forney, Goldsmith, Griffin of Dale, Griffin of Marshal, Herman, Hobbs, Hubbard, Hudgins, Mabry, Martin, Millsap, Musgrove, Overall, Parsons, Pratt, Rice, Scott, Starke, Van DeGraaff, Walden of Coosa, Walden of Morgan, Walker, Woods and Wright.

Mr. Powell moved to strike out "Wednesday," and insert "Thursday."

Mr. Irby moved to postpone the further consideration of the subject until Tuesday at 11 o'clock a. m.

Carried. Yeas 46—Nays 32.

YEAS—Messrs. Speaker, Adams, Bibb, Bowen, Blake, Bradley, Brown, Bryan, Bush, Carter, Chambers, Clitherall, Cooper, Cunningham of Cherokee, Cunningham of Macon, Ferrell, Fielder, Forney, Forsyth, Goldsmith, Griffin of Dale, Griffin of Marshall, Herman, Hobbs, Hubbard, Hudgins, Irby, Mabry, Martin, Millsap, Musgrove, Neal, Overall, Parsons, Powell, Pratt, Rice, Scott, Seale, Starke, Walden of Coosa, Walden of Morgan, Walker, Whitfield, Woods and Wright.

NAYS—Messrs. Abney, Aldridge, Barlow, Bell, Carlyle,

Clapp, Clifton, Coleman, Cowen, Davidson, Fountain, Gilchrist, Hearin of Clarke, Herrin of Tallapoosa, Hightower, Holley of Covington, Humphries, Jones, Lane, Latham, Lloyd, Lyon, McMurray, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thomas, Van DeGraaff, Warren and White.

Mr. Chambers introduced a bill to amend an act to provide for the military education of two young men for each county in the State of Alabama; read once, the constitutional rule suspended, read a second and third times and passed.

Message from the Senate, by Mr. Dixon, Assistant Secretary.

SENATE, February 2.

*Mr. Speaker :*

The Senate has passed the following House bills :

To compensate jurors of coroner's inquests in Dale county ;

For the relief of James M. Hackney ;

To amend an act entitled an act to incorporate the Mechanics Aid Association, of Mobile, approved Feb. 24, 1860 ;

To amend an act entitled an act to provide for an efficient military organization for the State of Alabama, approved February 24, 1860 ;

To regulate the time of holding circuit court in the county of Chambers ;

To reinstate section 496 of the Code of Alabama, so far as the same relates to Winston county ;

To incorporate a Steam Fire Engine Company in Mobile ;

To incorporate the North Alabama Steamboat Company ;

To divorce certain persons therein named ;

To change the name of the Andrew Jackson Guards of Tallapoosa county.

The Senate has amended and passed the House bill

To prevent the destruction of fish in the Tennessee river.

The Senate has originated and passed the following bills :

For the better preservation of the Capital building from fire ;

To authorize the Governor to appoint a military board ;

To repeal an act approved February 24, 1860, to prevent the Northern Bank of Alabama, at Huntsville, from paying out the notes of banks of other States.

To amend an act to regulate the Agencies of Insurance Companies not incorporated in Alabama, approved February 24, 1860 ;

To amend an act to incorporate the Lawrenceville Male and Female Academy, in Henry, so far as the Gadsden Male and Female Academy, in Cherokee county is concerned;

To amend the charter of incorporation of the town of Opelika.

The Senate rejected the following House bills:

To amend an act approved February 23, 1860;

To equalize the salaries of Secretary of State, Comptroller and Treasurer.

The Senate has originated and passed a bill

To induce railroad companies in this State to carry troops and munitions of war, free of charge.

The Senate has amended by way of substitute and passed House bill, making appropriations for the military defence of the State.

M. TAUL, Secretary.

Mr. Woods introduced a bill to repeal an act entitled an act to authorize the city of Montgomery to aid in the construction of the South and North Alabama Rail Road, approved 24th February, 1860, and for other purposes; read once, the constitutional rule suspended, and on motion of Mr. Seale, it was laid on the table.

Mr. Woods also introduced joint resolutions for the relief of destitute families; read, the constitutional rule suspended, read a second time, when

Mr. Martin moved to amend as follows:

"*Provided*, This act shall only apply to Cherokee county."

Mr. Clitherall moved to lay the bill and amendment on the table.

Pending the consideration of which, the hour of 11 o'clock arrived, for which hour there was a special order, namely:

The Senate bill to legalize the suspension of specie payments by certain banks in Alabama—Mr. Smith, of Lauderdale, in the chair.

Mr. Speaker Meek offered the following amendment by way of engrossed rider: "*Provided*, That the State shall not pay any interest on the bonds held by the banks, taken and held by the provisions of this act, until the banks severally resume specie payments." Read, the constitutional rule suspended, read a second and third times and adopted.—Yeas 52—Nays 23.

YEAS.—Messrs. Speaker, Abney, Aldridge, Barlow, Bibb, Blake, Bradley, Brown, Burgess, Bush, Carlyle, Carey, Clapp, Clifton, Coleman, Cunningham of Cherokee, Cunningham

of Macon, Dart, Farrell, Fielder, Forney, Forsyth, Fountain, Gibson, Hearin of Clark, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holly of Tallapoosa, Humphries, Jack, Jones, Lane, Lloyd, Martir, McMurrey, Millsap, Musgrove, Neal, Overall, Parsons, Seale, Shepard, Slater, Smith of Coosa, Starke, Thomas, Van DeGraff, Warren, Woods and Wright.

NAYS.—Messrs. Bell, Bryan, Carter, Chambers, Clitherall, Griffin of Marshall, Hubbard, Huckabee, Hudgins, Irby, Lyon, Mabry, Powell, Pratt, Rice, Scott, Smith of Lauderdale, Tait of Wilcox, Walden of Coosa, Walden of Morgan, Walker, White and Whitefield.

Mr. Holly of Covington having paired off with Gilchrist, and Mr. Davidson with Mr. Adams, were excused from voting.

The bill then passed, yeas 59 nays 17.

YEAS—Messrs. Speaker, Abney, Aldridge Barlow, Bell, Bibb, Blake, Bryan, Burgess, Carlyle, Carter, Carey, Chambers, Clapp, Clifton, Clitherall, Cunningham of Cherokee, Cunningham of Macon, Dark, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Griffin of Marshall, Hearin of Clark, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holly of Tallapoosa, Hudgins, Humphries, Irby, Latham, Lyon, Malry, Martin, Millsap, Neal, Overall, Pratt, Rice, Scott, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, Van DeGraff, Walden of Coosa, Walden of Morgan, Walker, White, Whitefield, Woods and Wright.

NAYS.—Messrs. Bradley, Brown, Bush, Coleman, Cooper, Davidson, Huckabee, Jack, Lane, Lloyd, McMurray, Musgrove, Powell, Seale, Shepard, Tait of Wilcox, and Warren.

Mr. Forsyth moved to suspend the next special order, being the bill to relieve the State of Free Negroes, to allow him to make a report from the Military Committee.

Mr. Coleman moved to amend the motion by allowing him to make a report on accounts and claims. The motion as amended then prevailed.

Mr. Forsyth, from the military committee, reported favorably to the bill to promote military efficiency, and for other purposes; read a third time forthwith and passed.

Mr. Coleman, from the committee on accounts and claims, reported a bill to compensate White, Pfister & Co., for stationery; read three times forthwith and passed.

Mr. Hubbard, by leave, from the committee on education, reported favorably to the bill to compensate William Skinner and J. S. Clark; read a third time and passed.

Mr. Bryan, by leave, offered the following resolution:

*Resolved*, That, the Senate concurring, the two Houses of the General Assembly meet in convention on Monday, the 4th of February, inst., at 12 o'clock M., for the purpose of electing a Quartermaster-General. Adopted.

Mr. Clitherall moved that the committee on the Capitol be instructed to take, or have taken, from the Hall of the House of Representatives into the Senate Chamber, for the use of the Southern Congress, as many seats as said committee deem necessary. Carried.

On motion of Mr. Walker, the House adjourned until 10 o'clock on Monday.

HOUSE OF REPRESENTATIVES, }  
February 4, 1861. }

House met pursuant to adjournment.

Mr. Clitherall moved that the reading of the journal be dispensed with. Carried.

Mr. Clitherall moved to suspend business to enable the gentleman from Dallas to make a report. Carried.

Leave of absence was granted to Messrs. Smith of Coosa, Walden of Coosa, and Griffin of Dale.

Mr. Bush asked leave to change his vote on the passage of the bill to legalize the suspension of specie payments by certain banks in Alabama. Granted, and the vote changed from nay to yea.

Mr. Adams asked leave to record his vote in favor of the bill. Granted.

Mr. Bowen asked leave to record his vote against the amendment of Mr. Speaker Meek, and in favor of the same bill. Granted.

Mr. Mabry reported favorably to the Senate bill "supplemental to an act to establish a hospital for insane persons in Alabama." Read a third time and passed. Ordered forthwith to the Senate.

Mr. Walker moved to take up the Senate bill to authorize the Governor to appoint a military board. Carried. Bill read, the constitutional rule suspended, read a second and third times and passed. Ordered forthwith to the Senate.

Mr. Irby moved to take up House bill as amended by the Senate making appropriations for the military defence of the State. Carried.

Mr. Parsons moved to refer the bill to a special committee of three. Carried, and Messrs. Parsons, Lyon and Walker appointed.

Message from the Senate, by Mr. Dixon, Assistant Secretary.

SENATE, February 4, 1861.

*Mr. Speaker :*

The Senate has passed the following House bills :

For the relief of Alexander Dean ;

To empower the Governor to appoint persons residing anywhere within the corporate limits of the city of Wetumpka, to act as Notaries Public for the county of Coosa ;

To amend section 2039 of the Code of Alabama in relation to the compensation of guardians ;

To repeal in part an act entitled an act to regulate the Agencies of Insurance Companies not incorporated by the State of Alabama, approved Feb. 24th, 1860 ;

To prevent the sale of spirituous liquors within two miles of Spring Hill College, in the county of Mobile.

The Senate has amended and passed the House bill

To regulate the pay of witnesses in criminal cases.

The Senate concurs in the amendment made by the House to the bill

To legalize the suspension of specie payments by certain banks in Alabama.

The Senate has originated and passed the following bills :

To incorporate the Central Insurance Company, at Tuscaloosa ;

To authorize the removal of the administration of the estate of Thomas J. Walker, deceased ;

To exempt certain persons therein named from serving on juries.

The Senate has passed the following House bill :

Amenditory of an act to incorporate the Bank of Alabama, and for other purposes, approved Feb. 13th, 1860.

The Senate concurs in the following House resolution :

*Resolved*, The Senate concurring, that the two Houses of the General Assembly meet in convention on Monday, the 4th of February, inst., at 12 o'clock M., for the purpose of electing a Quartermaster-General.

M. TAUL, Secretary.

Mr. Humphries presented a petition from sundry citizens of Wetumpka against the obstruction of the Alabama river by bridges across said river, which petition was referred to the committee on corporations.

Veto message from the Governor.

*Mr. Speaker :*

I herewith return to the House of Representatives, in which it originated, without the approval of the Governor, and with his objections thereto, a bill to be entitled an act to prevent the sale of ardent or vinuous liquors in the village of Hamburg, in the county of Perry.

WATKINS PHELAN,  
Private Secretary.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., Feb. 1, 1861. }

*Gentlemen of the House of Representatives :*

A bill to be entitled an act to prevent the retail of ardent or vinous liquors in the village of Hamburg, in the county of Perry, is herewith returned without my approval, for the reason that it prohibits the sale of ardent spirits within the limits therein named for any purpose whatever. This prohibits the sale for medicinal, mechanical, or sacramental purposes.

It has been my invariable rule to withhold my approval from all bills creating such a prohibition.

Respectfully,  
A. B. MOORE.

The message was read, and the House refused to pass the bill over the veto of the Governor. Yeas 0—Nays 68.

NAYS—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Blake, Bradley, Brown, Bryan, Burgess, Bush, Carlyle, Carter, Carey, Chambers, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Forney, Forsyth, Fountain, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Irby, Jack, Jones, Lane, Latham, Lyon, Martin, McMurray, Meadows, Musgrove, Neal, Overall, Parsons, Pratt, Rice, Scott, Seay, Seale, Shepard, Smith of Lauderdale, Starke, Tait of Wilcox, Thomas, Van DeGraaff, Walden of Morgan, Walker, White, Whitfield and Wright.

Mr. Forsyth introduced a bill to appropriate \$500,000 to the cause of Southern independence; read once, the constitutional rule suspended, read again, when

Mr. Lyon offered the following amendment: "In the Treasury notes of this State, authorized to be issued under the authority of any law of this State." Adopted.



Mr. Rice offered the following amendment: "After the word "establish," in the 10th line, insert "by way of loan to said Provisional Government or Confederacy." Adopted.

The bill was then read a third time and passed unanimously. Ordered forthwith to the Senate.

The Senate bill to change the name of Buzbeeville, in Coffee county, to Victoria, was read once, the constitutional rule suspended, read a second and third times and passed.

The Senate bill to exempt certain property from levy and sale for the use of families, was read once, the constitutional rule suspended, read a second time, when Mr. Huckabee moved to suspend the rule again, so as to give the bill a third reading forthwith, but the motion failed. Bill was ordered to a third reading on to-morrow.

The Senate bills to change the lines between the counties of Shelby and Jefferson, and for the relief of F. Villant, were severally read once, the constitutional rule suspended, read a second time and ordered to a third reading on to-morrow.

The Senate bills

To amend the charter of incorporation of the town of Opelika;

To amend an act to incorporate the Lawrenceville Male and Female Academy, in Henry county, so far as the Gadsden Male and Female Academy, in Cherokee county, is concerned;

To induce rail road companies in this State to carry troops and munitions of war free of charge;

Were severally read twice and ordered to a third reading.

The Senate bill to amend an act passed Feb. 24th, 1860, was read once, the constitutional rule suspended, read again and referred to the committee on ways and means.

The Senate bill to amend an act to regulate the Agencies of Insurance Companies not incorporated by the State of Alabama, approved February 24th, 1860, was read once, the constitutional rule suspended, read again and referred to the judiciary committee.

The Senate bill to repeal an act approved February 24th, 1860, to prevent the Northern Bank of Alabama at Huntsville from paying out the notes of banks of other States, was read once, the constitutional rule suspended, read again and referred to the committee on banks, banking and currency.

The House concurred in the amendment of the Senate to the House bill to prevent the destruction of fish in the Tennessee river.

The Senate bill for the better preservation of the Capitol

building from fire, was read once, the constitutional rule suspended, read a second and third times and passed.

The Senate bills,

To exempt certain persons therein named from serving on juries;

To authorize the removal of the administration of the estate of Thomas J. Walker, deceased, were read twice under a suspension of the constitutional rule, and referred to the judiciary committee.

The Senate bill to incorporate the Central Insurance Company at Tuscaloosa, was read three several times under a suspension of the constitutional rule, and passed.

The House concurred in the amendment of the Senate to the House bill to regulate the pay of witnesses in criminal cases.

Mr. Hubbard moved to suspend the business before the House to allow the committee of ways and means to report a bill. Carried.

Mr. Lyon, from the committee, reported a substitute for the bill authorizing the Governor to issue Treasury notes. Substitute was adopted.

Mr. Forney moved to amend by adding after the word "forgery," the words "first degree." Adopted.

Mr. Rice move to strike out "\$500,000," and insert "one million. Adopted.

Mr. Lyon moved to amend as follows: "*Provided*, All Treasury notes issued under the authority of this act, after being signed, numbered and registered, shall, before being put into circulation, be delivered to the State Treasurer, and by him credited to the State as other funds, and accounted for in his accounts accordingly." Adopted.

The constitutional rule was suspended, the bill read a third time and passed, and ordered forthwith to the Senate.

Mr. Parsons, from the select committee, reported favorably to the Senate amendment to the House bill making appropriations for the military defence of the State. The amendment was concurred in.

At the hour of 12 o'clock, the Senate, by invitation, appeared within the Hall of the House, when the two Houses in joint convention proceeded to the election of a Quartermaster-General for the State of Alabama.

William R. Pickett alone being in nomination, and having received the whole number of votes cast, to-wit: 91, was declared by Mr. Syeaker duly and constitutionally elected for the term prescribed by law.

The Senate then withdrew to its chamber, and the House adjourned till 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }  
February 5th, 1861. }

House met pursuant to adjournment.

Mr. Clitherall moved to dispense with the reading of the journal. Carried.

Mr. Speaker laid before the House records of divorce, which were referred to the committee on divorce and alimony.

Leave of absence was granted to Mr. Hearin of Clarke.

Mr. Clitherall moved to suspend the business of the House to allow committees to report. Carried.

Mr. Walker, from the judiciary committee, reported favorably on bills

To facilitate the taking of testimony by depositions;

To repeal Article III, Chapter 1st, Title 2d, of the Code of Alabama;

To change the jurisdiction of the trust estate of Francis Durden;

To erect a dam across Big Will's creek.

Which bills were read a third time and passed.

Mr. Walker, from the same committee, to whom was referred the resolution "That the committee on the judiciary be instructed to prepare and report to this House a bill to provide for the proper administration of the Admiralty Maritime laws in this State," reported that they have had it under consideration, and instructed me to report that the subject matters embraced in said resolution have been provided for by an ordinance adopted by the Convention of the State. This committee, therefore, report the resolution back, and ask to be discharged from the further consideration thereof. Report was concurred in.

Mr. Clitherall, from the same committee, reported with amendment, the joint resolution for the relief of Thomas Wilson and others, of Jackson county. Adopted, read a third time and passed.

Mr. Clitherall, from the same, reported back the bill to define the liabilities of parties to certain bonds therein named.

Mr. Powell moved to lay the report and bill on the table. Carried.

Mr. Clitherall, from same, reported adversely to the bill

to authorize Eli Townsend, executor, &c., of Jason Cargill, deceased, to sell the personal property of said deceased.—Concurred in.

Mr. Walker, from the same, reported adversely to the following bills:

To prevent free negroes being located in the suburbs of cities, &c. ;

To amend an act in relation to the conveyance of land by husband and wife, approved February 8th, 1860.

Mr. Parsons, from the same, reported adversely to the bill to amend the attachment laws of this State.

All of which reports were concurred in and the bills lost.

Mr. Rice, from the same, reported favorably to the Senate bill to authorize Benj. H. Micou to settle his accounts as guardian in the probate court of Montgomery county ; read a third time and passed.

Mr. Rice, from the same, reported favorably, with amendment, to the bill to enable the guardian of Frances M. Brown to remove the guardianship of his said ward to Macon county ; read a third time and passed.

Message from the Governor.

*Mr. Speaker :*

His Excellency, the Governor, has approved bills which originated in the House of Representatives, of the following titles :

An act to amend an act to prohibit the sale of intoxicating liquors within certain limits in Limestone county ;

An act to fix the compensation of bailiffs in the circuit courts of Pickens, Coosa, and other counties ;

An act to amend an act to loan and appropriate the three per cent. fund and its interest ;

An act to postpone the lien of the State of Alabama on the Tennessee and Coosa Rail Road.

WATKINS PHELAN,  
Private Secretary.

Mr. Rice, from the same committee, reported favorably with amendment to the bill to prohibit sales of liquors by free negroes, and for other purposes. Amendment was adopted.

Mr. Clitherall offered the following amendment: "*Provided*, That the guardian or person in charge of any free negro, when necessary for the personal use of the free negro, may give him ardent or vinous liquors."

Mr. Cooper moved to lay the amendment on the table. Lost.

The amendment was adopted. The bill was then read a third time and passed.

Mr. Rice also reported favorably to the bill for the relief of Frederica Ludicus, with the amendment of an additional section. Amendment was adopted.

Mr. Clitherall offered an amendment, which was lost.

Mr. Clitherall moved to lay the bill on the table. Lost.

The bill as amended was read a third time and passed.

The Senate resolution to adjourn *sine die* on Wednesday at 12 M. being the special order for 11 o'clock,

Mr. Cooper moved to postpone the further consideration of it until Wednesday at 12 o'clock M. Lost. Yeas 35—Nays 42.

YEAS—Messrs. Speaker, Adams, Blake, Bradley, Bryan, Burgess, Carter, Carey, Chambers, Clifton, Clitherall, Cooper, Cunningham of Cherokee, Fielder, Forney, Forsyth, Herman, Hobbs, Holley of Covington, Hubbard, Hudgins, Humphries, Irby, Latham, Lloyd, Mabry, Millsap, Neal, Pratt, Rice, Scott, Starke, Tate of Macon, Walker and Woods.

NAYS—Messrs. Abney, Aldridge, Bell, Bibb, Brown, Carlyle, Clifton, Coleman, Cowan, Cunningham of Macon, Dark, Davidson, Ferrell, Fountain, Gibson, Goldsmith, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Hightower, Holley of Tallapoosa, Huckabee, Jack, Jones, Lane, Lyon, Martin, McMurry, Meadows, Musgrove, Parsons, Powell, Seay, Seale, Shepard, Smith of Lauderdale, Tait of Wilcox, Thomas, Van DeGraaff, Walden of Morgan, Warren and Whitfield.

Mr. Lloyd moved to postpone till Thursday at 12 M., and make it the special order for that hour.

Mr. Rice moved to make it the special order for Friday at 11 o'clock. Carried. Yeas 46—Nays 34.

YEAS—Messrs. Speaker, Adams, Bowen, Blake, Bradley, Bryan, Burgess, Bush, Carter, Carey, Chambers, Clayton, Clitherall, Cooper, Cunningham of Cherokee, Ferrell, Fielder, Forney, Gilchrist, Hale, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Latham, Lloyd, Mabry, Millsap, Neal, Parsons, Pratt, Rice, Scott, Shepard, Starke, Tate of Macon, Thomas, Van DeGraff, Walden of Morgan, Walker and Woods.

NAYS—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Brown, Carlyle, Clifton, Coleman, Cowan, Forsyth, Foun-

tain, Gibson, Goldsmith, Griffin of Marshall, Hearin of Clarke, Herrin of Tallapoosa, Hightower, Jones, Lane, Lyon, Martin, McMurry, Meadows, Musgrove, Overall, Powell, Seay, Seale, Smith of Lauderdale, Tait of Wilcox, Warren, White and Whitfield.

Message from the Senate, by Mr. Dixon, Assistant Secretary.

SENATE, February 5, 1861.

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the Eufaula, Marine and Fire Insurance Company.

To amend section 639 of the Code ;

To amend the charter of the town of Tuskegee.

The Senate has passed the following House bills :

To revive the act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5th, 1852, and the act supplemental thereto, approved February 17th, 1854.

For the relief of Lucretia Davidson ;

To incorporate the North Alabama Rail Road Company ;

A bill to be entitled an act to appropriate \$500,000 to the cause of Southern Independence.

M. TAUL, Secretary.

Message from the Governor, which was referred to the committee on foreign relations.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., February 4, 1861. }

*Hon. A. B. Meck,*

*Speaker House of Representatives :*

SIR : I herewith transmit to the House of Representatives certain preamble and resolutions, adopted by the General Assembly of Virginia, January 19th, 1861.

These resolutions have been handed to me by Judge John Robertson, who has been appointed a commissioner to this State by the Legislature of Virginia. The special object of his mission will be fully seen and understood by reference to the resolutions.

The following communication was addressed to me by Judge Robertson :

MONTGOMERY HALL, Feb. 3, 1861.

*To His Excellency,*

*The Governor of Alabama:*

SIR: Looking with deep concern at the menacing attitude in which the seceded States and the Government at Washington stand towards each other, the State of Virginia appeals to both parties to abstain from all acts of a hostile tendency, until a farther effort shall be made to terminate existing differences, by an honorable and peaceful adjustment.

I avail myself of the earliest moment to transmit to your Excellency the resolutions of the General Assembly of Virginia, adopted with that view, and commissioning me to convey their friendly mediation to yourself, and the authorities of the seceding States. The day for the meeting of the proposed commissioners at Washington, you will perceive is at hand. This must be my apology for asking as early a reply as may consist with your convenience.

It will afford me much pleasure to give, if desired, any further explanation in my power, touching the objects of my mission, or the views and wishes of the State I have the honor to represent.

Very Respectfully,

JOHN ROBERTSON.

To this communication I returned the following answer:

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., Feb. 3, 1861. }

*To Hon. John Robertson,*

*Commissioner from the State of Virginia:*

SIR: I have the honor to acknowledge the receipt of your letter of this date, with the preamble and resolutions adopted by the General Assembly of Virginia, January 19, 1861.

As chief magistrate of the State of Alabama, I extend to you a cordial welcome to the seat of government, as commissioner from the Commonwealth of Virginia.

From your letter, and the resolutions referred to, I understand that ex-President John Tyler has been appointed "a commissioner to the President of the United States," and yourself to "South Carolina, and the other States that have seceded, or shall secede, with instructions respectfully to request the President of the United States and the authorities of such States to agree to abstain, pending the proceedings contemplated by the action of the General Assembly,

from any and all acts calculated to produce a collision of arms between the States and the Government of the United States."

After tendering to the State of Virginia, through you, my thanks for the friendly mediation contemplated by the resolutions of her General Assembly, it gives me pleasure to state that Alabama, in her Act of Secession, and in occupying the forts and arsenals within her limits, intended no hostility to the Federal Government. Her sole object has been to protect her rights, interest and honor, without disturbing (if possible) her peaceful relations with the Government of the United States. This, I feel assured, will continue to be the policy of the State, unless the Federal authorities should by some hostile act or demonstration make it necessary to adopt a different course for her protection, and the protection of the other States that have seceded or may secede.

Whilst I feel authorized to assure you that Alabama will do nothing intended to produce a collision of arms between the Federal Government and herself, I am equally certain that it is her firm determination to resist at all and any hazard any attempt at coercion.

Having no power to appoint delegates to the proposed Convention at Washington, the resolutions of the General Assembly of Virginia will be immediately transmitted to the Legislature of this State, where, I have no doubt, they will receive that respectful consideration the high and friendly source from which they come entitles them to.

Candor, however, compels me to say, that I do not feel authorized to indulge the least hope that concessions will be made affording such guarantees as the seceding States can or will accept.

Being satisfied that the State from which emanated the resolutions of '98 and '99 is as determined to maintain her constitutional rights as the seceded States, I do not entertain a doubt that she will be found co-operating with them, when she is convinced that those rights cannot be secured in the Federal Union.

For the courteous and dignified manner in which you have made known the object of your mission you will please accept my thanks.

With the highest consideration, I am

Your obedient servant,

A. B. MOORE."

The foregoing letter contains my understanding of the in-



tention and policy of the State of Alabama, in regard to her position towards the Federal Government.

I deem it proper to lay before the Legislature the communication of Judge Robertson to me, and my answer thereto, that my views may be fully understood.

I have referred the question of the appointment of Commissioners to Washington to the Legislature, having no power to make such appointments myself. I would suggest, however, that as this State, with five others, has withdrawn from the Federal Union, and has appointed delegates to a Southern Congress, which is now assembled in this city, for the purpose of establishing a new government, I cannot see with what propriety the State could send Commissioners to Washington to reconstruct the old government.

Judge Robertson is now in this city; his high character and his friendly mission from the great State of Virginia, entitle him to the highest consideration of the authorities of Alabama.

Very respectfully,

A. B. MOORE.

Mr. Rice offered the following resolution, which was adopted :

*“Resolved*, That the privileges of a seat within the hall of this House are hereby tendered to the several Deputies to the Southern Congress now in session in this city, and to the Commissioners of the slaveholding States respectively, who may be in the city during the present session of the General Assembly.”

Mr. Jack, from the Select Committee, to whom was referred the bill to fix the time of holding the Circuit Courts in the Fourth Judicial Circuit, reported an amendment thereto, which was adopted, the bill read a third time and passed. Ordered forthwith to the Senate.

Mr. Rice moved that a committee of three be appointed to inform the Southern Congress of the passage of the resolution of Mr. Rice, and the passage of the bill appropriating \$500,000 for its use. Carried; and Messrs. Rice, Lyon and Hubbard were appointed.

Mr. Forney, from the Judiciary Committee, reported an amendment to the Senate bill to remove the administration of the estate of Thomas Green from the county of Winston to the county of Lawrence, in this State, which was adopted. Bill read a third time, and passed.

Mr. Forney, from the same committee, reported favorably

to the Senate bill to repeal in part section 2 of an act relating to the tax on peddling. Read a third time, and passed.

Mr. Forney, from the same committee, reported favorably to the House bills—

To further secure subordination among slaves;

To repeal section 1155 of the code, and to amend the law in relation to overseers of roads; which bills were read a third time and passed.

Mr. Walker, from the same committee, reported favorably to the Senate bill to authorize a removal of the administration of the estate of Thomas J. Walker, deceased, which was read a third time and passed.

Mr. Forney, from the same committee, reported adversely to the House bill to regulate the pay of County Commissioners. Concurred in.

Mr. Walker, from the same committee, to whom was referred a resolution declaring the Circuit Courts to be in permanent session, and that the Grand Juries shall continue by adjournment for the term for which they were chosen until the next succeeding term, reported adversely thereto, which was concurred in.

Mr. Mabry, from the Committee on Banks, Banking and Currency, reported favorably to the bill to secure the sale of the bonds of the State at par to the Bank of Selma, with an amendment as follows: strike out the word "three" and insert "two."

The hour of 12 o'clock arrived, for which there were several special orders.

The first special order was to relieve the State of free negroes.

Mr. Irby moved to postpone it till 12 m., to-morrow.

Mr. Starke moved a call of the House. Lost.

The question then recurred on the motion of Mr. Irby, which carried. Yeas 35—nays 26.

YEAS—Messrs. Bowen, Bradley, Burgess, Bush, Carter, Carey, Chambers, Clapp, Cowan, Cunningham of Cherokee, Forney, Griffin, of Marshall, Hobbs, Hudgins, Humphries, Irby, Jones, Lane, Lyon, Mabry, Martin, McMurray, Millsap, Neal, Parsons, Pratt, Seay, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Whitfield and Woods.

NAYS—Messrs. Speaker, Aldridge, Bell, Bibb, Brooks, Brown, Coleman, Cunningham of Macon, Dark, Ferrell, Fountain, Gibson, Gilchrist, Hightower, Holly of Covington, Holly of Tallapoosa, Latham, Meadows, Musgrove,

Overall, Powell, Seale, Shepherd, Starke, Walker and Warren.

The next special order being the House bill to legalize the suspension of specie payments by certain banks in Alabama, which on motion of Mr. Tait of Wilcox, was laid on the table.

The question was then upon the amendment of the committee; Lost.

Mr. Irby moved to amend as follows:

At the end of the last line of the 4th section, add "and the Bank of Selma shall be entitled to all the benefits and privileges conferred by the legislature, relating to suspension of specie payments, which by law is conferred upon the Commercial and other Banks in this State: *Provided*, That said Bank of Selma shall not receive any interest on the bonds aforesaid from the State, if it shall suspend for and during the term of said suspension; and *provided*, that the liability of the stockholders in said bank, out of their personal and real estate, for the debts and liabilities of said bank, shall be the same as the liabilities of the stockholders in the Central and Commercial Banks, and for the debts and liabilities of said banks." Adopted.

Mr. Woods moved to amend by an additional section, as follows:

"Section 5. *Be it further enacted*, That all other associations or companies banking under the Free Banking law of this State, now organized or hereafter to be organized, shall be entitled to all the benefits and privileges, and subject to all the liabilities of the act, upon the same terms and conditions of the Bank of Selma." Adopted.

Mr. Irby moved to reconsider the vote just taken. Carried.

Mr. Irby then moved to substitute for Mr. Woods' amendment as follows:

"Provided the provisions of this bill shall apply to the Bank of Montgomery."

Mr. Cunningham of Macon moved to lay the bill and amendments on the table. Carried—Yeas 38, nays 37.

YEAS—Messrs. Abney, Adams, Aldridge, Bradley, Brown, Clapp, Clifton, Clitherall, Coleman, Cunningham of Macon, Dark, Ferrell, Fountain, Gilchrist, Goldsmith, Griffin of Marshall, Hightower, Holly of Covington, Holly of Tallapoosa, Hudgins, Humphries, Jack, Latham, Lloyd, Lyon, Martin, McMurray, Meadows, Musgrove, Neal, Pratt, Seay,

Starke, Thomas, Van De Graff, Walker, Warren and Whitfield.

NAYS—Messrs. Speaker, Bell, Bibb, Brown, Blake, Bryan, Burgess, Bush, Carter, Carey, Cooper, Cowan, Cunningham of Cherokee, Davidson, Forney, Gibson, Herrin of Tallapoosa, Herman, Hobbs, Hubbard, Irby, Jones, Lane, Mabry, Millsap, Overall, Parsons, Powell, Seale, Shepard, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walden of Coosa, Walden of Morgan, White and Woods.

Mr. Irby, from the Committee on Ways and Means, reported a bill, upon the recommendation of the Governor, to increase the Contingent Fund of the State. Read three several times, under a suspension of the constitutional rule, and passed.

Mr. Walden of Morgan reported favorably to the bill for the relief of R. F. Campbell, tax collector of Choctaw county. Read third time and passed.

Mr. Irby reported favorably to the Senate bill for the relief of George G. Henry of Mobile county. Read a third time and passed.

Mr. Neal reported that the committee asked to be discharged from the further consideration of the House bill to repeal an act to encourage Direct Trade between the Southern States and foreign countries. Report concurred in and the bill ordered to lie on the table.

Mr. Irby from the same committee reported an amendment to the bill to secure the speedy completion of the Alabama and Florida Railroad, and to secure to the State of Alabama free transportation of men and munitions of war over said road.

The hour of 2 o'clock arrived, for which there was a special order, namely: the bill in relation to the abatement of suits brought by the citizens of New York and other States that sanction the doctrine of coercion.

Mr. Carey moved to suspend the special order, to dispose of the bill under consideration.

Mr. Rice moved to suspend the bill until 11 o'clock to-morrow.

Mr. Clitherall moved to postpone the bill till 12 o'clock to-morrow. Carried.

Mr. Walker moved to amend the bill under consideration as follows:

*"And be it further enacted,* That the Governor of this State shall be authorized and required to cause to be issued \$100,000 of State bonds, having            years to run, and bearing

per cent interest, payable at the Treasury of the State; the interest payable annually, and the bonds to be received at the pleasure of the State, the same to be signed by the Governor and countersigned by the Comptroller of Public Accounts.

*And be it further enacted,* That the Governor be required to subscribe for and in the name of the State of Alabama \$100,000 of the capital stock of the Mobile and Great Northern Railroad Company, upon the same terms and conditions as prescribed in the act in reference to the Alabama and Florida Railroad Company: *Provided,* The said Mobile and Great Northern Railroad Company shall be under the same liabilities and obligations and shall be entitled to the same privileges as apply under this act to the Alabama and Florida Railroad Company."

Mr. Shepard moved to lay the amendment on the table.

Mr. Starke moved to lay the bill and amendment on the table, which prevailed. Yeas 38—nays 29.

YEAS—Messrs. Aldridge, Bell, Bradley, Brown, Burgess, Carter, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Ferrell, Fountain, Griffin of Marshall, Herrin of Tallapoosa, Hobbs, Holley of Covington, Huckabee, Humphries, Jack, Latham, Lloyd, Lyon, Martin, Meadows, Millsap, Musgrove, Powell, Seay, Starke, Tait of Wilcox, Van De Graaff, Walker, Warren, Whitfield and Wright.

NAYS—Messrs. Speaker, Adams, Bowen, Blake, Bryan, Bush, Carey, Clitherall, Forney, Forsyth, Gilchrist, Goldsmith, Herman, Hubbard, Hudgins, Irby, Jones, Lane, Mabry, McMurray, Neal, Overall, Pratt, Rice, Shepard, Tate of Macon, Walden of Coosa, Walden of Morgan, and Woods.

Mr. Irby, from the same committee, reported adversely to bills—

To equalize taxation in this State;

Providing for a Convention of the people of this State;

To encourage the manufacture of cannon;

To the petition for the relief of Williams H. Chestnutt;

All of which were concurred in.

Mr. Lyon, from the same committee, reported a substitute for the bill to encourage and promote the manufacturing interests in the State of Alabama.

Mr. Cooper moved to amend the substitute as follows: .

*"Provided,* One hundred thousand dollars shall be lent by the Governor, upon such security as he may deem sufficient, to any person who will engage in the manufacture of fire-

arms or railroad iron, said loan to be extended ten years, with interest at six per cent per annum."

Mr. Lloyd moved to lay the amendment on the table. Carried.

Mr. Cooper moved to lay the bill and substitute on the table. Lost.

The substitute was adopted, read a third time and passed. Yeas 32—nays 27.

YEAS—Messrs. Speaker, Abney, Bell, Bowen, Bradley, Bryan, Carter, Clitherall, Cunningham of Macon, Dark, Davidson, Forsyth, Goldsmith, Griffin of Marshall, Herman, Hudgins, Irby, Jones, Latham, Lyon, Mabry, Martin, Neal, Overall, Parsons, Pratt, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Whitfield and Woods.

NAYS—Messrs. Aldridge, Bibb, Brown, Burgess, Bush, Cary, Chambers, Clapp, Clifton; Cunningham of Cherokee, Fountain, Hobbs, Holly of Covington, Huckabee, Humphries, Lane, Lloyd, Meadows, Millsap, Scott, Seale, Shepard, Van De Graaff, Walden of Coosa, Warren and Wright.

Mr. Lyon reported adversely to the bill to amend an act approved — day of January, 1861, to authorize the issuance of two millions of the bonds of the State of Alabama, having ten years to run bearing 8 per cent. interest per annum.

Pending its consideration, the hour of 3 o'clock having arrived, the House stood adjourned till 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }  
February 5th, 1861. }

House met pursuant to adjournment.

Reading of the Journal was dispensed with.

Leave of absence was granted to Mr. White.

Mr. Clitherall moved to suspend the call of the counties, to allow him to report a certain bill from the Committee on Postal Arrangements. Lost.

#### CALL OF THE COUNTIES.

Mr. Hudgins introduced a bill for the relief of John H. Norwood and others, of Jackson county; which was read three several times, under a suspension of the constitutional rule, and passed.

The House then proceeded to the consideration of the joint resolutions of the General Assembly in regard to destitute persons; the question being on Mr. Clitherall's motion to lay them on the table.

Mr. Clitherall withdrew his motion, and moved to refer them to the Committee on Ways and Means.

Mr. Seale offered the following amendment:

"And resolved further, that the sum of \$50,000 be and the same is hereby placed at the disposal of the Governor to be applied to relieve said distressed families, if necessary."

Mr. Coleman moved to strike out "fifty" and insert "one hundred."

The bill was then, on Mr. Clitherall's motion, referred to the Committee on Ways and Means.

Mr. Woods introduced a bill to authorize books to be opened in the city of Montgomery for subscription to the capital stock of the Bank of Alabama; which was read, the constitutional rule suspended, read again, when

Mr. Hubbard moved to refer the bill to the Committee on Banks, Banking and Currency. Carried.

Mr. Woods introduced a bill to pay the accounts of certain persons therein named. Read once, the constitutional rule suspended, read again, when

Mr. Cooper moved to refer it to a Select Committee.

Mr. Clitherall moved to amend as follows:

"Which sums are in full to the 5th February, for work and labor done and material furnished in fitting up the Senate Chamber and Rotunda by the parties named respectively." Lost.

Mr. Cooper's motion then carried, and Messrs. Cooper, Woods and Aldridge were appointed the Select Committee.

Mr. Clitherall introduced a bill to establish a postal communication with Pensacola.

Mr. Forney raised a point that the same bill had been introduced, read a first and second time and referred, and was therefore out of order.

Mr. Speaker sustained the point, and Mr. Clitherall withdrew the bill.

Mr. Powell moved to suspend the business before the House, to enable Mr. Clitherall to report the above bill from the Committee on Postal Arrangements. Lost—Yeas 23, nays 44.

YEAS.—Messrs. Bowen, Clitherall, Cunningham of Macon, Dark, Davidson, Goldsmith, Hudgins, Jones, Lane, Mabry, Martin, Overall, Powell, Rice, Scott, Smith of Lauderdale, Tate of Macon, Thomas, Van De Graaff, Walden of Coosa, Whitfield, Woods and Wright.

NAYS.—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Blake, Bradley, Brooks, Brown, Bush, Carlyle, Clapp, Clif-

ton, Cooper, Cowan, Cunningham of Cherokee, Ferrell, Forney, Fountain, Gibson, Griffin of Marshall, Herrin of Tallapoosa, Hightower, Hobbs, Holly of Covington, Holly of Tallapoosa, Hubbard, Humphries, Jack, Latham, Lyon, McMurray, Meadows, Millsap, Musgrove, Neal, Parsons, Pratt, Seay, Seale, Starke, Tait of Wilcox, Walden of Morgan and Warren.

Mr. Tait of Wilcox introduced a bill for the relief of volunteer companies in the counties of Barbour and Wilcox. Read once, the constitutional rule suspended, read again, when

Mr. Starke moved to refer it to the Judiciary Committee. Lost.

The House refused to suspend the constitutional rule again, and the bill was ordered to be engrossed.

Mr. Jack moved to suspend business to take from the table a certain bill. Lost—Yeas 28, nays 46.

YEAS—Messrs. Adams, Bradley, Brooks, Bryan, Bush, Carey, Chambers, Clitherall, Coleman, Cunningham of Macon, Davidson, Forney, Gilchrist, Goldsmith, Huckabee, Hudgins, Irby, Jones, Lane, Mabry, Meadows, Neal, Pratt, Rice, Tate of Macon, Thomas, Walden of Morgan and Woods.

NAYS—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowen, Brown, Burgess, Carlyle, Carter, Clapp, Clifton, Cooper, Cowan, Cunningham of Cherokee, Dark, Ferrell, Fountain, Gibson, Griffin of Marshall, Herrin of Tallapoosa, Hightower, Hobbs, Holly of Covington, Hubbard, Humphries, Jack, Latham, Lloyd, Lyon, Martin, McMurray, Millsap, Musgrove, Overall, Scott, Seay, Seale, Starke, Tait of Wilcox, Van De-Graaff, Walker, Warren, Whitfield and Wright.

Mr. Irby moved to suspend business to take the bill from the table to secure the sale of the bonds of the State of Alabama to the Bank of Selma at par, and for other purposes. Lost.

The House then resumed the consideration of the adverse report to the bill to amend an act, &c., to authorize the issuance of two millions of dollars of the bonds of the State of Alabama. Report concurred in.

Mr. Whitfield, from the Committee of Ways and Means, reported favorably to the Senate bill to repeal article 33 of section 291 of the Code of Alabama, so far as the same relates to taxation on revolving pistols. Read a third time and passed.

Mr. Whitfield reported the House bill with amendment to



extend the time for the payment of taxes into the State Treasury, and for other purposes.

And also favorably to the House bill to amend an act to create a clerkship in the Comptroller's office.

Which bills were read a third time and passed.

Mr. Smith of Lauderdale, from the same committee, reported adversely to the bill for the relief of Jonathan Cooper of Russell county. Concurred in.

Message from the Senate, by Mr. Dixon, Assistant Secretary.

SENATE, February 5, 1861.

*Mr. Speaker :*

The Senate has passed the following House bills:

To regulate the practice of the Supreme Court;

To amend section 2813 of the Code of Alabama;

To incorporate Ingraham's Academy in Russell county.

The Senate has rejected the following House bills:

For the relief of M. J. Kenan, Sheriff of Dallas county;

To define the fees of Sheriffs in the allotment of Dower.

The Senate has originated and passed bills:

To provide for the safe keeping and security of all official bonds which may have been or may hereafter be approved by the Governor;

For the relief of William M. Glass of Bibb county;

For the relief of Burwell Johnson and other persons therein named of Perry county.

The Senate has amended and passed the House bill;

To incorporate the Mechanics' Aid Association of Selma.

M. TAUL, Secretary.

Mr. Lyon, from the Committee on Banks, Banking and Currency, reported adversely to the bill to incorporate the Western Bank of Alabama; which was concurred in.

Also reported adversely to the bill to authorize the Governor to refund to Robert M. Livingston his expenses incurred in going abroad and opening up direct trade between the Southern States and foreign countries, and in which Alabama has been properly arranged for. Report was concurred in.

Mr. Forsyth, from the same committee, reported a bill upon the petition of J. B. Todd and others, to authorize the appointment of a Branch Pilot for certain waters running into the bay of Mobile. Read three several times, under a suspension of the constitutional rule, and passed.

Mr. Hale, from the Military Committee, reported a bill to provide for the election of certain militia officers. Read once, the constitutional rule suspended, read again, when

Mr. Irby offered the following amendment:

"Section 3. Be it further enacted, That all volunteer regiments and companies organized under the laws of this State, on giving ten days notice shall hold elections for their officers and report to the Governor of the State, except those companies and regiments which have been organized and have elected their officers since the passage of the ordinance to reorganize the militia of the State of Alabama of the 23d day of January, 1861." Adopted.

The bill was read a third time and passed.

Mr. Bryan, from the same committee, reported favorably to the bill to loan arms and accoutrements to E. M. & J. A. Law, Principals of a military school in the State of Alabama.

Bill was read a third time and passed.

Mr. Clitherall, from the Committee on Postal Arrangements, reported favorably to the bill to establish provisional postal communication with Pensacola.

Bill was read a third time and passed.

Mr. Hubbard, by unanimous consent, offered the following:

Resolved, That the privileges of a seat within the Hall of this House are hereby tendered to every Representative or Senator of any slaveholding State now in Montgomery.

Adopted.

Mr. Parsons, from the Committee on Public and Swamp Lands, reported a bill for the sale of the swamp and overflowed land of the State of Alabama, and for other purposes. Read three several times, under a suspension of the constitutional rule, and passed. Ordered forthwith to the Senate.

Mr. Walker moved to suspend the special orders to allow committees to report, and to act on Senate messages. Carried.

Mr. Walker, from the Judiciary Committee, reported a substitute for the bill to authorize the Commissioners' Court of Coosa county to issue bonds of said county for the relief of suffering citizens of said county. Substitute was adopted, read a third time and passed. Ordered to the Senate.

Mr. Herman moved to suspend business to allow the Judiciary Committee to make a certain report.

Mr. Smith of Lauderdale moved for a call of the roll. Carried, and 68 members responded to their names:

Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb,

Bowen, Blake, Brooks, Brown, Burgess, Bush, Carter, Carey, Chambers, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Cunningham of Macon, Dark, Davidson, Ferrell, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Marshall, Herriu of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgkins, Humphries, Jones, Lane, Latham, Lloyd, Lyon, Mabry, Martin, McMurray, Meadows, Millsap, Musgrove, Neal, Overall, Parsons, Pratt, Rice, Seay, Seale, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Van De Graaff, Walker, Warren, Whitfield and Wright.

The question then recurred on Mr. Herman's motion, which was lost.

Mr. Hobbs, from the Committee on Internal Improvements, reported favorably to bills—

Declaring Five Runs a public highway;

To incorporate the Southwestern Railroad Company;

Which bills were severally read a third time and passed.

Mr. Smith of Lauderdale moved to suspend business to allow the Judiciary Committee to report a bill. Carried.

Mr. Clitherall, from the Judiciary Committee, reported a substitute for the bill for the relief of William A. Nooe, which was adopted, read a third time, and passed.

Mr. Hobbs, from the Committee on Internal Improvements, reported favorably to the Senate bill to appropriate and dispose of the two per cent. fund now in the treasury of the State. Read a third time, and passed.

Mr. Hubbard, from the Committee on Education, reported favorably to the bill to render more efficient the system of free public schools in the State of Alabama so far as it relates to the county of Baldwin. Read a third time and passed.

Mr. Hubbard, from the same committee, asked to be discharged from the further consideration of a petition of sundry citizens of Pike county.

Mr. Starke asked leave to withdraw said petition. Granted.

Mr. Starke, from the Committee on Divorce and Alimony, reported a bill to divorce Ellifair Porter from Joseph Porter, and to divorce other persons therein named. Read once, the constitutional rule suspended, read again, when

Mr. Cooper moved to strike out the last section of the bill. Lost.

The bill was then read a second and third time respect-

ively under a further suspension of the constitutional rule, and passed.

Mr. Cooper, from the Committee on Local Legislation, reported favorably to the bill to amend section 1045 of the code in relation to free colored mariners. Read a third time and passed.

Mr. Cooper also reported favorably to the bill to repeal an act therein named, which bill he moved to lay on the table. Carried.

Mr. Forney, from the Committee on Corporations, reported favorably to the bill to incorporate the Eufaula Home Insurance Company.

Mr. Clitherall moved to strike out section 8, and insert the following:

*"And provided further, That no bank note or bill issued or made by any bank created or established by the authority of any of our sister States or any foreign country shall be paid out under any circumstances by the company created by this act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created."* Adopted. Yeas 44—nays 27.

YEAS—Messrs. Speaker, Abney, Aldridge, Bibb, Blake, Bradley, Brooks, Brown, Burgess, Carey, Clapp, Clitherall, Coleman, Cowan, Dark, Davidson, Fountain, Gibson, Goldsmith, Griffin of Marshall, Hale, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Jack, Latham, Lloyd, Lyon, Mabry, Martin, Meadows, Musgrove, Pratt, Rice, Scott, Smith of Lauderdale, Tait of Wilcox, Thomas, Van De Graaff, Warren, Whitfield and Wright.

NAYS—Messrs. Adams, Bell, Bowen, Bush, Carter, Chambers, Cooper, Cunningham of Cherokee, Cunningham of Macon, Ferrell, Forney, Herrin of Tallapoosa, Herman, Hightower, Hubbard, Humphries, Jones, Lane, McMurray, Millsap, Neal, Overall, Parsons, Seale, Tate of Macon, Walden of Coosa and Walden of Morgan.

The bill was then read a third time, and passed.

Mr. Forney reported favorably to the bill to amend a certain act therein named.

Mr. Clitherall moved to amend as follows: *Provided, "said company shall not exercise any banking powers or privileges; and provided further, that no bank note or bill issued or made by any bank created or established by the authority of any of our sister States or any foreign country shall be paid out under any circumstances by the company created by this*

act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created." Adopted.

The bill was read a third time, and passed.

Mr. Overall, from the same committee, reported favorably to the bill to incorporate the Mobile and Jacksonville Omnibus and Railroad Company, with the following amendment to the 2d section, by adding: "*And provided further, That they shall not lay any track or tracks on any street or road occupied by the Mobile and Spring Hill Railroad Company without the consent of said company.*" Adopted.

The bill was read a third time, and passed.

Mr. Griffin of Marshall, from the Committee on Accounts and Claims, reported adversely to bills:

For the relief of J. C. Goodson;

For the relief of certain persons therein named;

For the relief of W. J. Hickman, Jailor of Jefferson county.

Mr. Martin moved to lay the report on the bill for the relief of Mr. Hickman on the table. Lost.

The several reports were then concurred in.

Mr. Coleman asked to be discharged from the further consideration of the bill for the relief of D. D. Perryman of the county of Butler, and moved to lay the bill on the table. Carried.

Mr. Adams moved to suspend business to take said bill from the table. Lost.

Message from the Senate:

SENATE, February 6th, 1861.

*Mr. Speaker :*

The Senate has adopted the following joint resolutions:

Resolved by the Senate of the State of Alabama, the House of Representatives concurring, That the Hon. John Robertson, Commissioner from the State of Virginia to the Governor of this State, be requested to address the two Houses of the General Assembly in the Hall of the House of Representatives, on this evening at 7½ o'clock, or at such other time as may suit his convenience.

2d. Resolved, That the delegates to the Congress of the independent States of South Carolina, Florida, Alabama, Georgia, Mississippi and Louisiana, now in session, and the Commissioners of North Carolina and other States, be invited to seats in said Hall upon the occasion referred to.

3d. Resolved, That a Joint Committee of six, three from

each House, be appointed to confer with Judge Robertson, and solicit his compliance with this request.

The House concurred in the resolutions, and Messrs. Walker, Lyon and Hubbard were appointed on the part of the House.

Mr. Cooper offered the following resolution :

Resolved, That the Speaker of this House be instructed to sign no warrant for money in favor of any member, unless by unanimous consent, until the day which shall be fixed for the final adjournment of the two Houses of the General Assembly.

Mr. Abney moved to amend as follows :

“Provided, The Legislature does not remain in session until after the 4th of March.”

Mr. Irby moved to lay the resolution and amendment on the table. Lost—Yeas 34, nays 39.

YEAS—Messrs. Abney, Aldridge, Bell, Bibb, Brooks, Carey, Clitherall, Coleman, Cunningham of Macon, Davidson, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Hightower, Hudgins, Humpries, Irby, Jack, Lane, Mabry, Martin, McMurray, Meadows, Powell, Seale, Tait of Wilcox, Thomas, Van De Graaff and Warren.

NAYS—Messrs. Speaker, Adams, Bowen, Bradley, Brown, Burgess, Bush, Carlyle, Carter, Chambers, Clapp, Clifton, Cowan, Cooper, Fielder, Herman, Hobbs, Holly of Covington, Hubbard, Huckabee, Latham, Lloyd, Lyon, Millsap, Musgrove, Neal, Overall, Parsons, Pratt, Rice, Scott, Starke, Tate of Macon, Walden of Coosa, Walden of Morgan, Walker, Whitfield, Woods and Wright.

Mr. Goldsmith moved the indefinite postponement of the resolution and amendment. Lost.

The question recurred on the amendment of Mr. Abney. Lost.

Mr. Van De Graaff moved to postpone until to-morrow at 10 o'clock. Lost.

Mr. Goldsmith moved to postpone till Saturday at 10 o'clock. Lost—Yeas 29, nays 39.

YEAS—Messrs. Abney, Aldridge, Bell, Brooks, Carlyle, Carey, Clitherall, Davidson, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Holley of Covington, Hudgins, Irby, Jack, Jones, Mabry, Martin, Meadows, Powell, Seale, Tait of Wilcox, Thomas, Van De Graaff and Warren.

NAYS—Messrs. Adams, Bibb, Blake, Bradley, Brown, Burgess, Bush, Carter, Chambers, Clifton, Cooper, Ferrell,

Fielder, Herman, Hightower, Hobbs, Hubbard, Huckabee, Lane, Latham, Lloyd, Lyon, McMurray, Millsap, Musgrove, Neal, Overall, Parsons, Pratt, Rice, Scott, Starke, Tate of Macon, Walden of Coosa, Walden of Morgan, Walker, Whitfield, Woods and Wright.

Mr. Irby moved to take from the table the bill to secure the sale of the bonds of the State of Alabama to the bank of Selma at par and for other purposes. Carried.

Mr. Lyon moved that the bill be referred to a select committee of its friends; and that the committee report at 10 o'clock to-morrow. Carried.

The House then adjourned to 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }  
February 7th, 1861. }

House met pursuant to adjournment.

Reading of the Journal was dispensed with.

Overall offered the following resolution:

"Resolved, That the State Printer be required to print in pamphlet form three thousand copies of the ordinances recently adopted by the Alabama State Convention, for the use of the members of the General Assembly; and that the Secretary of State send thirty copies to each member at their respective postoffices. Adopted.

Mr. Rice presented the petition of sundry citizens of Pine Level and vicinity in Montgomery county, asking the repeal of a certain act therein named, which petition was referred to the Committee on Propositions and Grievances.

Mr. Rice also presented the petition of sundry citizens of the same place asking compensation for certain slave property therein named, which petition was referred to the Committee on Accounts and Claims.

Mr. Rice also presented the account of B. B. Davis, for stationery, which was referred to the Committee on Accounts and Claims.

Mr. Wright presented the petition of C. C. Dodson of Calhoun county, which was referred to the Committee on Education.

Mr. Irby, from the Select Committee, to whom was referred the bill to secure the sale of the bonds of the State of Alabama to the bank of Selma at par, and for other purposes, with instructions to arrange and harmonize the several provisions thereof, reported that the committee have had the same under consideration, and instruct me to report the accompanying bill, and to recommend its passage.

Mr. Smith of Lauderdale moved to lay the bill on the table. Carried. Yeas 46—nays 30.

YEAS—Messrs. Abney, Adams, Aldridge, Bibb, Bradley, Brooks, Brown, Burgess, Calhoun, Carlyle, Olapp, Clifton, Coleman, Cowan, Dark, Fielder, Fountain, Goldsmith, Griffin of Marshall, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Jack, Latham, Lloyd, Lyon, Martin, Millsap, Musgrove, Powell, Pratt, Scott, Seay, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, Van De Graaff, Warren, Whitfield and Wright.

NAYS—Messrs. Bell, Bowen, Blake, Bush, Carter, Chambers, Clitherall, Cooper, Cunningham of Cherokee, Davidson, Ferrell, Forney, Gibson, Hale, Herrin of Tallapoosa, Hudgins, Humphries, Irby, Lane, Mabry, McMurray, Meadows, Overall, Parsons, Seale, Tait of Macon, Tate of Wilcox, Walden of Coosa, Walden of Morgan and Woods.

Message from the Senate.

SENATE, February 7, 1861.

*Mr. Speaker :*

The Senate has amended, as therein shown, and passed the House bills :

To regulate judicial proceedings, and for other purposes ;

To promote military efficiency, and for other purposes ;

To provide for the payment of the members and officers of the General Assembly.

The Senate has originated and passed the following bills :

For establishing rules and regulations for the government of the army of the State of Alabama ;

To authorize the appointment of Engineers in the army ;

Further to define the duties of Judges of the Probate Courts of this State ;

To authorize the appointment of additional lieutenants, and for other purposes ;

For the relief of Horace King and family, and Solomon Pertect, his wife, and others ;

To amend an act approved February 25th, 1860, incorporating the Opelika Insurance Company, and for other purposes ;

For the relief the heirs of J. W. Kilpatrick, deceased ;

To confer upon the Intendant of the town of Rockford the powers of Justice of the Peace ;

To authorize books to be opened in the city of Montgomery for subscription to the capital stock of the Bank of Alabama ;



To prevent any person or persons from giving away, selling or offering for sale, any vinous or spirituous liquors within three miles of Lineville Baptist Church in Shelby county, or within one mile of Hamburg, in Perry county.

The Senate has passed the following House bills:

To change the time of holding the Chancery Courts in the fourth and fifth Districts of the Southern Chancery Division;

To secure the rights of Patentees and Authors and their assignees in the State of Alabama;

To incorporate the Chulafinnee Academy in Randolph county;

For the relief of W. C. Penick.

The Senate concurs in the amendment of the House to the caption of the bill to repeal in part section 2 of an act therein named.

The Senate has passed the House bill,

To authorize the Governor to issue Treasury Notes;

And has originated and passed a bill,

To aid the Alabama and Florida Railroad Company.

M. TAUL, Secretary.

Mr. Cooper moved to take up the bill to regulate judicial proceedings, and for other purposes, as amended by the Senate.

Mr. Clitherall moved to postpone the bill until to-morrow at 11 o'clock, and print 133 copies. Lost.

Mr. Forsyth moved to suspend the business of the House to allow him to offer a resolution. Lost.

Leave of absence was granted to Mr. Clayton.

Mr. Cooper's motion prevailed, and the House resumed the consideration of the bill to regulate judicial proceedings.

Mr. Lyon moved to amend as follows:

'And if such bonds shall not be given within five days, the Sheriff shall deliver the property taken into his possession into the hands of such trustee or mortgagee.

Mr. Cooper moved to lay the amendment on the table; which was carried.

Mr. Lyon moved to strike out the 9th section as amended.

Mr. Cooper moved the previous question. Carried.

The House then concurred in the 1st and 2d amendments of the Senate. The 3d amendment was concurred in by the House. Yeas 41—nays 35.

YEAS—Messrs. Adams, Aldridge, Bell, Bibb, Blake, Brown, Burgess, Bush, Carlyle, Clapp, Clifton, Coleman,

Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Griffin of Marshall, Herman, Hightower, Holly of Covington, Hubbard, Hudgins, Jack, Latham, Lloyd, McMurray, Millsap, Musgrove, Neal, Parsons, Seale, Walden of Coosa, Walden of Morgan, Warren and Wright.

**NAYS**—Messrs. Speaker, Abney, Bowen, Bradley, Brooks, Bryan, Calhoun, Carter, Carey, Chambers, Clitherall, Forsyth, Gibson, Gilchrist, Goldsmith, Hobbs, Holley of Tallapoosa, Irby, Lane, Lyon, Mabry, Martin, Meadows, Overall, Powell, Pratt, Rice, Seay, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Van De Graaff and Walker.

The 4th amendment was concurred in. Yeas 41—nays 36.

**YEAS**—Messrs. Adams, Aldridge, Bell, Bibb, Blake, Brown, Burgess, Bush, Carlyle, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Griffin of Marshall, Herman, Hightower, Holley of Covington, Hubbard, Hudgins, Jack, Latham, Lloyd, McMurray, Millsap, Musgrove, Neal, Parsons, Seale, Walden of Coosa, Walden of Morgan, Warren and Wright.

**NAYS**—Messrs. Speaker, Abney, Bowen, Bradley, Brooks, Bryan, Calhoun, Carey, Chambers, Gibson, Goldsmith, Herrin of Tallapoosa, Hobbs, Holley of Tallapoosa, Irby, Lane, Lyon, Mabry, Martin, Meadows, Overall, Pratt, Rice, Seay, Shepard, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Thomas, Van De Graaff, Walker, Whitfield and Woods.

The 5th amendment was then concurred in.

Message from the Governor.

*Mr. Speaker :*

His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act to appropriate \$500,000 to the cause of Southern Independence;

An act for the relief of Lucretia Davidson;

An act to revive an act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5th, 1852; and the supplemental act thereto, approved February 17th, 1854;

An act to prevent the destruction of fish in the Tennessee river;

An act to regulate the pay of witnesses in criminal cases;

An act to empower the Governor to appoint persons residing anywhere within the corporate limits of the city of Wetumpka to act as notaries public for the county of Coosa;

An act making appropriations for the military defence of the State;

An act to incorporate the North Alabama Steamboat Company;

An act to reinstate section 496 of the code of Alabama so far as the same relates to Winston county;

An act to regulate the time of holding Circuit Court for Chambers county;

An act to change the name of the Andrew Jackson Guards in Tallapoosa county;

An act for the relief of James M. Hackney;

An act to divorce certain persons therein named;

An act to incorporate a Steam Fire Company in Mobile;

An act to amend an act entitled an act to incorporate the Mechanics' Aid Association of Mobile, approved February 24th, 1860;

An act to compensate Jurors of Coroners' Inquests in Dale county;

An act for the relief of Alexander Dean;

An act to amend section 2039 of the code, in relation to compensation of Guardians;

An act to alter and amend the act to provide for the preparation of a Revised Code of Alabama of a general and public nature;

An act to amend an act to provide for an efficient military organization of the State of Alabama, approved February 24th, 1860;

An act to repeal in part an act to regulate the agencies of insurance companies not incorporated by the State of Alabama, approved February 24th, 1860;

An act amendatory of an act to incorporate the bank of Alabama, and for other purposes, approved February 18th, 1860;

An act to prevent the sale of spirituous liquors within two miles of Spring Hill College, in the county of Mobile.

WATKINS PHELAN,

Private Secretary.

Mr. Cooper, from the select committee, reported favorably to the bill and amendment to pay the accounts of certain persons therein named. Bill read a third time and passed.

The Senate bill to amend section 639 of the code was read once, the constitutional rule suspended, read again, when on motion of Mr. Clitherall it was laid on the table.

Mr. Walker, from the joint committee to wait on Judge Robertson and ascertain from him when it would suit his convenience to address the General Assembly, reported the following:

The joint committee raised under the joint resolutions extending an invitation to the Hon. John Robertson, Commissioner from the State of Virginia, to address the two Houses of the General Assembly on this evening at 7½ o'clock, or at such other time as may suit his convenience, have discharged the duty assigned them, and instruct me to report that they called upon the Honorable Commissioner, exhibited to him a copy of the joint resolutions, and urged a compliance with the request of the two Houses. The committee have received a written reply to said invitation, and instruct me to present the same to this body.

PERCY WALKER, Chairman.

MONTGOMERY, February 7, 1861.

*Messrs. Horn, McIntyre and Ligon, of the Senate, and Messrs. Walker, Hubbard and Lyon, of the House of Representatives :*

I am truly gratified for the honor conferred on me by the resolutions of the General Assembly of Alabama, inviting me to address them in the Hall of the House of Representatives, and sincerely regret that I do not feel at liberty to attempt a compliance with their flattering request.

The mission entrusted to me by the State of Virginia, is one of conciliation and peace. It is of a very definite character; bringing me into special communication with the executive authorities of the States to which I am commissioned. It has already been made known to his Excellency Governor Moore, and, I am happy to say, has been met and promoted by him in the spirit in which it was conceived. The propositions of Virginia relative to the appointment of Commissioners to Washington now before your Legislature, are not within its scope. They have been submitted to the action of the Legislative and Executive departments. Were I to address your honorable body on that subject, or generally on the great questions which agitate the States recently composing the Federal Union, the very fact that I hold a commission from my honored State, of the character described, would possibly give to my humble views an influence and effect they would not otherwise be entitled to command. They

would probably be regarded as the sentiments of Virginia, and thus in some degree attach a responsibility to her beyond the limits of my authority to impose, and which she might not be willing to assume.

Under these impressions, I shall stand, I trust, readily excused for denying myself the pleasure of accepting an invitation so complimentary to myself personally, and to the State which I have the honor to represent.

Receive, gentlemen, for yourselves and for the Senate and House of Representatives of Alabama, assurances of my high respect.

JOHN ROBERTSON.

The Senate bills following were read three several times, under a suspension of the constitutional rule, and passed :

To provide for the safe keeping and security of all official bonds which may have been or may be hereafter approved by the Governor ;

For the relief of William M. Glass of Bibb county ;

For the relief of Burwell Johnson, and other persons therein named, of Perry county ;

To establish rules and regulations for the government of the army of Alabama ;

To authorize the appointment of Engineers in the army ;

To authorize books to be opened in the city of Montgomery for subscription to the capital stock of the Bank of Alabama ;

To prohibit any person or persons from giving away, selling or offering for sale any vinous or spirituous liquors within three miles of Lineville Baptist Church in Shelby county, or within one mile of Hamburg in Perry county ;

To confer upon the Intendant of the town of Rockford the powers to act as a Justice of the Peace ;

For the relief the heirs of J. W. Kilpatrick, deceased.

The Senate bill to incorporate the Eufaula Marine and Fire Insurance Company was read, the constitutional rule suspended, read again, when

Mr. Clitherall moved to amend as follows :

“Provided, That the General Assembly may at any time hereafter alter, modify or repeal this charter ; and provided further, that nothing contained in this act shall be construed as conferring upon said Company banking powers or privileges ; and provided further, that no bank note or bill issued or made by any bank created or established by the authority of any of our sister States, or any foreign country, shall be paid out under any circumstances by the Company created

by this act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created."

Mr. Starke moved to lay the amendment on the table. Lost.

The amendment was then adopted, the bill read a third time and passed.

The bill to incorporate the Woodville Insurance Company was read once, the constitutional rule suspended, read a second time, when

Mr. Clitherall moved to amend as follows:

"Provided, That the General Assembly may at any time hereafter alter, modify or repeal this charter; and provided further, that nothing contained in this act shall be construed as conferring upon said Company banking powers or privileges; and provided further, that no bank note or bill issued or made by any bank created or established by the authority of any of our sister States, or any foreign country, shall be paid out under any circumstances by the Company created by this act, or by any of its officers and agents, under the penalty of forfeiture of the charter by this act created."

The amendment was adopted, the bill read a third time and passed.

The House concurred in the amendment of the Senate to the bill to incorporate the Mechanics' Aid Association of Selma.

The House refused to concur in the Senate's amendment to the House bill to provide for the payment of the members and officers of the General Assembly.

Mr. Speaker called the attention of the House to the resolution of Mr. Cooper, offered on yesterday, which was considered and finally, on motion of Mr. Griffin of Marshall, laid on the table.

The House concurred in the Senate's amendment to the House bill to promote military efficiency, and for other purposes.

The Senate bill for the relief of Horace King and his family, and Solomon Pertect and wife, and others, was read once, the constitutional rule suspended, read again, when

Mr. Lloyd moved to lay the bill on the table. Lost.

Mr. Lloyd moved to add, "and all other free persons of color in the State of Alabama."

Mr. Walker moved the previous question.

Mr. Starke moved to postpone till to-morrow at 12 o'clock. Carried—Yeas 46, nays 33.

YEAS—Messrs. Abney, Aldridge, Bibb, Blake, Brooks, Bush,

Carlyle, Clapp, Coleman, Cunningham of Cherokee, Dark, Ferrell, Fielder, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Marshall, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgkins, Humphries, Jack, Latham, Lloyd, McMurray, Meadows, Millsap, Musgrove, Neal, Rice, Seay, Seale, Shepard, Smith of Coosa, Stark, Tait of Wilcox, Van De Graaff, Warren and Woods.

NAYS—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Brown, Bryan, Burgess, Calhoun, Carter, Chambers, Clifton, Clitherall, Cooper, Cowan, Forney, Forsyth, Irby, Lane, Lyon, Mabry, Martin, Overall, Parsons, Powell, Pratt, Smith of Lauderdale, Tate of Macon, Thomas, Walden of Coosa, Walden of Morgan, Whitfield and Wright.

Mr. Huckabee by leave offered the following resolution :

Resolved, With the concurrence of the Senate, that the two Houses adjourn *sine die* at 12 o'clock on Friday, the 8th inst. Adopted. Yeas 68—nays 5.

YEAS—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Brown, Burgess, Bush, Calhoun, Carlyle, Carter, Chambers, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham of Cherokee, Dark, Ferrell, Fielder, Forney, Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Marshall, Herrin of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Lane, Latham, Lloyd, Mabry, Martin, McMurray, Meadows, Millsap, Musgrove, Neal, Parsons, Powell, Pratt, Rice, Scott, Seay, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Warren, Whitfield and Wright.

NAYS—Messrs. Bryan, Clitherall, Gibson, Overall and Van De Graaff.

Mr. Lyon by leave introduced the following resolution :

Resolved, That the assistants employed by the several clerks of the House of Representatives are to be paid five dollars per day for the time actually engaged in the service of the House. Adopted.

The Senate bill to aid the Alabama and Florida Railroad Company was read three several times under a suspension of the rule, and passed. Yeas 37—nays 27.

YEAS—Messrs. Speaker, Adams, Blake, Bradley, Brooks, Bryan, Bush, Carter, Carey, Chambers, Clitherall, Cooper, Cunningham of Cherokee, Davidson, Forney, Gilchrist, Herman, Hobbs, Hubbard, Hudgins, Humphries, Irby, Lane,

Lyon, Mabry, Musgrove, Overall, Parsons, Pratt, Rice, Seale, Shepard, Tait of Wilcox, Thomas, Van De Graaff, Walker and Woods.

NAYS—Messrs. Abney, Aldridge, Bell, Bibb, Bowen, Burgess, Calhoun, Carlyle, Clapp, Clifton, Dark, Gibson, Goldsmith, Herrin of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Latham, Lloyd, Martin, Meadows, Millsap, Neal, Powell, Smith of Coosa, Starke, Warren and Wright.

The Senate bill to amend an act approved February 25th, 1860, incorporating the Opelika Insurance Company, and for other purposes, was read once, the constitutional rule suspended, read a second time, when

Mr. Clitherall moved to amend as follows :

“Provided, That the General Assembly may at any time hereafter alter, modify, or repeal this charter; and provided, further, That nothing contained in this act shall be construed as conferring upon said company banking powers or privileges; and provided, further, That no bank note or bill issued or made by any bank created or established by the authority of any of our sister States, or any foreign country, shall be paid out under any circumstances by the company created by this act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created.”

The amendment was adopted, bill read a third time and passed.

Mr. Hubbard by leave introduced a bill explanatory of and supplemental to an act passed at the present session entitled an act to regulate *judicial* proceedings, and for other purposes. Read three several time under a suspension of the constitutional rule and passed. Yeas 53—nays 13.

YEAS—Messrs. Abney, Adams, Aldridge, Bibb, Bowen, Blake, Brooks, Brown, Burgess, Bush, Calhoun, Carlyle, Chambers, Clifton, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Marshall, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Huckabee, Hudgins, Jack, Latham, Lloyd, Lyon, Martin, McMurray, Meadows, Millsap, Musgrove, Neal, Pratt, Scott, Seale, Shepard, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Warren and Wright.

NAYS—Messrs. Speaker, Bell, Bradley, Bryan, Clitherall, Irby, Lane, Mabry, Overall, Powell, Smith of Coosa, Van De Graaff, Walker, Whitfield and Woods.

Mr. Jack moved to reconsider the vote by which the House



adopted the resolution to adjourn *sine die* on Friday the 8th instant at 12 o'clock M. Carried.

Mr. Speaker Meek (Mr. Irby in the Chair) moved to strike out "Friday the 8th instant," and insert Monday the 11th instant."

Mr. Lyon moved to insert "Saturday the 9th, at 11 o'clock."

The question was first taken on the motion of Mr. Speaker Meek; which was carried.

The resolution as amended was then adopted—Yeas 41, nays 26.

YEAS—Messrs. Speaker, Adams, Bell, Bibb, Blake, Bradley, Bryan, Bush, Carter, Carey, Clitherall, Cooper, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Forney, Gibson, Goldsmith, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Hudgins, Jack, Lloyd, McMurray, Millsap, Neal, Pratt, Rice, Scott, Tate of Macon, Walden of Coosa, Walden of Morgan, Walker, Whitfield, Woods and Wright.

NAYS—Messrs. Aldridge, Bowen, Brown, Burgess, Calhoun, Carlyle, Chambers, Clapp, Clifton, Fountain, Griffin of Marshall, Herrin of Tallapoosa, Holley of Tallapoosa, Huckabee, Irby, Lane, Latham, Lyon, Martin, Meadows, Musgrove, Overall, Scale, Shepard, Smith of Coosa, Tait of Wilcox, Thomas and Van De Graaff.

Mr. Clitherall moved to reconsider the vote just taken, and to lay that motion on the table. Carried.

The following Senate bills were read three times and passed :

To exempt certain property from levy and sale for the use of families ;

To amend the act of incorporation of the town of Opelika ;

To amend an act to incorporate the Lawrenceville Male and Female Academy in Henry county, so far as the Gadsden Male and Female Academy in Cherokee county is concerned.

Mr. Gibson, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled :

To divorce Elijah Moncrief from Elizabeth Moncrief, and to divorce other persons therein named ;

To amend an act for the preservation of game in Sumter county ;

To repeal an act relating to steam mills in Jackson county ;

For the relief of John Owens and Daniel Freeman of Jackson county;

To prevent the sale of spirituous liquors within three miles of Moore's Bridge in Tuscaloosa county, and Dublin Academy in Bibb county;

To repeal section 6 of the Code, approved February 21st, 1860;

To authorize the owners of steam grist mills in Sumter county to take one-sixth for toll;

To provide for the payment of members and officers of the General Assembly, and of the delegates and officers of the Convention of the people of Alabama, now in session at Montgomery, and for other purposes;

To prohibit the sale of spirituous and intoxicating liquors within one mile of Dublin in Perry county, and Spring Hill Academy or Spring Hill Church in Pickens county;

For the relief of the late Sheriff of Tuscaloosa county;

To authorize Talbot Adams and Andrew Lyon to construct gates across the Vienna and Cooksville road in Pickens county, and to amend section 1177 of the Code of Alabama;

For the relief of Martha B. Adams;

To divorce Arthur Beardin from his wife, Nancy A. Beardin, and to divorce other persons therein named;

To divorce Rachel H. Withers from Francis T. Withers, and to divorce other persons therein named;

To authorize John Cocke, Administrator of the estate of William T. Cheeney, deceased, to make complete payments for certain lands therein named, and a patent to issue therefor;

To repeal in part section 2398 of the Code so far as the same relates to townships;

To authorize the extension of 16th section notes;

To raise money to provide for the military defence of the State;

To make certain provisions for the volunteers now in service at Pensacola;

To give the Judge of Probate of Dallas county jurisdiction over the estate of Robert Craige, deceased, late of Sumter county;

To authorize the Clerks of the Commissioners' Courts to issue executions for their costs in appeal cases;

To establish a Medical Board in St. Clair county;

To repeal in part an act approved February 24th, 1860, to

amend section 499 of the Code, so far as Lauderdale and Coosa counties are concerned;

To compensate jurors on Coroner's inquests in the counties of Chambers, Russell, Montgomery and Autauga;

To prohibit the sale of spirituous liquors within three miles of Lineville Baptist Church in the county of Shelby;

The more effectually to secure subordination among slaves in the county of Shelby;

To amend an act entitled an act to regulate and define the duties and liabilities of Railroad companies in this State, approved February 6th, 1858;

To increase the pay of grand and petit jurors in the county of Dale;

To give greater efficiency to the military department of the University of the State of Alabama;

To accept the aid of certain patriotic citizens;

To authorize the Courts of County Commissioners to establish Medical Boards in their respective counties;

To authorize the Governor to distribute certain arms;

For the relief of Rufus Greene;

To conditionally relieve from military duty certain persons therein named;

To regulate the time of the trial of State cases in the Circuit Court of Chambers county;

To fix the compensation of Bailiffs in the Circuit Courts of Pickens, Coosa and other counties;

To amend an act to prohibit the sale of intoxicating liquors within certain limits in Limestone county;

To prevent the retail of ardent or vinous liquors in the village of Hamburg in the county of Perry;

To amend an act entitled an act to loan and appropriate the three per cent fund and its interest;

To amend an act entitled an act to incorporate the Mechanics' Aid Association of Mobile, approved February 24th, 1860;

To incorporate a Steam Fire Engine Company in Mobile;

To alter and amend the act to provide for the preparation of a Revised Code of Alabama of a general and public nature;

To amend an act entitled an act to provide for an efficient military organization of the State of Alabama, approved February 24th, 1860;

To divorce certain persons therein named;

For the relief of James M. Hackney.

The Committee on Enrolled Bills respectfully report that they have examined the bills of the following titles, (numbered from fifty-one to seventy-one inclusive,) and find them correctly enrolled:

To compensate Jurors of Coroner's Inquests in Dale County;

To incorporate the North Alabama Steamboat Company;

To reinstate section 496 of the code of Alabama so far as the same relates to Winston county;

To regulate the time of holding Court in Chambers county;

To change the name of the Andrew Jackson Guards of Tallapoosa county;

To amend section 2039 of the code of Alabama in relation to the compensation of Guardians;

To empower the Governor to appoint persons residing anywhere within the limits of the city of Wetumka to act as Notaries Public for the county of Coosa;

For the relief of Alexander Dean;

Amendatory of an act to incorporate the Bank of Alabama, and for other purposes, approved February 24th, 1860;

To prevent the sale of Spirituous Liquors within two miles of Spring Hill College, in the county of Mobile;

To repeal in part an act entitled an act to regulate the Agencies of Insurance Companies not incorporated by the State of Alabama, approved February 24th, 1860;

To regulate the pay of witnesses in criminal cases;

To prevent the destruction of fish in the Tennessee river;

To revive the act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5th, 1852, and the supplemental act thereto, approved February 7th, 1854;

For the relief of Lucretia Davidson;

To appropriate \$500,000 to the cause of Southern Independence;

Making appropriations for the military defence of the State;

To incorporate the North Alabama Railroad Company;

To regulate the practice of the Supreme Court;

To incorporate Ingram Academy, in Russell county;

To amend section 2813 of the code of Alabama.

The House bill for the relief of volunteer companies of Barbour and Wilcox counties therein named was read a third time and passed.

The House resumed the consideration of the bill for the

abatement of suits brought by citizens of New York and other States that endorse the doctrine of coercion.

The question being upon the adoption of the amendment of Mr. Clitberall,

Mr. Forney moved to lay the bill and amendment on the table, when,

On motion of Mr. Jack, the House adjourned till 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }  
February 8, 1861. }

House met pursuant to adjournment.

Mr. Whitfield moved to suspend the reading of the Journals. Carried.

Mr. Whitfield, from the Joint Committee, made a report on the condition of the suspended banks of the State of Alabama, as follows:

The Joint Committee of the two Houses to which was referred a resolution of instructions to inquire into and report upon the condition of the chartered banks of Alabama which have recently suspended specie payments, and at the discretion of said committee to proceed to said banks and make personal examination thereof, have, in the discharge of the duties contemplated by said resolution, called upon said banks for statements showing their condition, respectively, at the date of suspension, and also at the time of the examination.

Your Committee proceeded first to the examination of the Central Bank of Alabama, in the city of Montgomery, making the certified statements herewith, bearing date 31st December, 1860, (the day of suspension,) and 22d of January, 1861, the foundation of said examination, which statements (marked A) are submitted as a part of this report. In the examination of the offering and discount books of the bank, your Committee discover that the transactions are mainly predicated upon the purchase of bills of exchange for the removal of the produce of the State; and to the extent of the investigation had by the committee, they could not discover on the part of the President and Directors a disposition to indulge in or be chargeable with any other than legitimate banking, such as should control the action of all well regulated banks.

Your Committee also proceeded to examine the vaults and

count the coin reported to be on hand, all of which were found correct.

Your Committee also examined carefully the reports made weekly by the Cashier to the Board of Directors, as exhibited in a book kept for that purpose, and find that the average amount of notes in circulation the past six months, as compared with the coin on hand, was only one and 85-100ths for every dollar in coin held by the bank. This exhibit satisfied your committee that the discounts and circulation of this bank have been wisely and judiciously conducted; and that it is not probable that any well regulated bank can keep in circulation any thing like three dollars to one of capital stock, as authorized by the charters of the banks of Alabama.

Your Committee, in the exercise of the discretion given to them by the resolution, have thought it unnecessary to go in person to Selma and Eufaula, for the purpose of examining the Commercial and Eastern Banks of Alabama, located in said cities, but have procured from the officers of these banks the certified statements herewith, (marked B and C.) showing their condition, respectively, at the dates thereof, which are submitted as part of this report. It will be seen by reference to the statements of each of these banks, certified to by their respective officers, that at the time of suspension they were in a sound and healthy condition; and had the Boards of Directors not felt it their duty to respond favorably to the suggestion of the Governor to save the coin in their vaults for the military defence of the State, there would have been no necessity that either of said banks should have suspended the payment of specie for their notes in circulation.

Your Committee are pleased to bear testimony that the Presidents and officers of the three suspended banks were not only prompt in furnishing the certified statements reported, but evinced every desire that the committee should (personally) make a thorough and satisfactory examination of their books, vaults and mode of doing business.

R. M. PATTON,

Chairman Senate Committee.

N. L. WHITFIELD,

Chairman House Committee.

[A]

## ABSTRACT

*Of the semi-annual settlement of the Books of the Central Bank  
of Alabama, December 31, 1860.*

## DR.

Due from Banks.....	99,222	28
Notes and Bills discounted.....	539,617	99
Exchange on Mobile.....	728,473	36
“ New Orleans.....	92,402	55
“ New York.....	10,500	00
“ Columbus.....	2,000	00—
883,335	91	
Exchange and bills discounted, ‘suspended,’ ...	74,210	02
Banking house and lot... ..	55,000	00
CASH—Notes of other Banks.....	9,347	00
Coin.....	377,226	95—
386,573	95	
<hr/>		
	\$2,037,960	15

## CR.

Capital Stock.....	900,000	00
Due to Banks.....	15,982	22
Deposits.....	350,399	12
Partial payments.....	5,738	22
Dividends, (unpaid).....	1,680	00
Profit and Loss.....	96,633	59
Circulation.....	667,497	00
<hr/>		
	\$2,037,960	15

The above is a correct copy.

W. S. PIERCE, Book-keeper.

THE STATE OF ALABAMA, }  
Montgomery County, }

Personally appeared before me, D. H. Workman, a Justice of the Peace for said county, H. W. Cater, Cashier of the Central Bank of Alabama, who, being duly sworn, saith on oath that the above statement is just and correct, to the best of his knowledge.

H. W. CATER, Cashier.

Sworn to and subscribed before }  
me, this 24th day of January, }  
1861. D. H. WORKMAN, J. P. }

## [A] GENERAL STATEMENT

*Of the Central Bank of Alabama, Tuesday evening, 22d of January, 1861.*

## DR.

Wetumpka Insurance Co.....	14,326	95	
Bank State South Carolina.....	477	38	
Mechanics' Bank of Augusta....	2,674	60	
S. M. Hill.....	1,085	84	
St. John Powers & Co.....	610	47	
Southern Bank of Alabama.....	7,699	77	
Bank of the Republic.....	4,244	21	
Citizens Bank of Louisiana.....	40,556	23	
Duncan, Sherman & Co.....	1,073	32	
Bank of Charleston.....	357	94—	73,106 71
Bills discounted.....	305,738	97	
“ receivable.. . . .	220,000	00—	525,738 97
Exchange on Mobile .....	1,424,751	61	
“ New Orleans.....	167,578	62	
“ New York.....	10,500	00	
“ Charleston.....	8,640	00	
“ Columbus.....	2,000	00—	1,613,470 23
Exchange and bills discounted, ‘suspended,’..			74,210 02
Banking house and lot.....			55,000 00
Expense.....			4,627 29

## CASH.

Notes of this Bank on hand.....	176,487	00	
Ala., Ga. and Carolina notes.....			20,297 00
Coin in Teller's vault.. . . .	38,049	32	
“ Cashier's vault.....	330,200	00—	368,249 32
			<hr/>
			\$2,734,699 54



## CR.

Capital Stock.....		900,000 00
Bank of Selma.....	1,323 88	
Commercial Bank of Ala.....	1,580 82	
Union Bank of Augusta.....	102 77	
Bank of Mobile.....	20,445 37	
Bank of the Republic, "Time,"	30,644 00	
Humphries, Murdock & Co.....	40 41—	54,137 25
Individual depositors.....	366,087 67	
Certificates of Deposit.....	62,367 69—	428,405 36
Coin Certificates.....		23,877 08
Partial payments.....		5,768 22
Dividends Nos. 1, 2, 7 and 8.....		1,680 00
Premium on Exchange.....	14,812 46	
Discount received.....	346 78—	15,159 04
Profit and loss. ....		96,633 59
Circulation.....		1,209,039 00
		<hr/>
		\$2,734,699 54

THE STATE OF ALABAMA, }  
Montgomery County. }

Personally appeared before me, D. H. Workman, a Justice of the Peace for said county, H. W. Cater, Cashier of the Central Bank of Alabama, who, being duly sworn, saith on oath that the above statement is true and correct, to the best of his knowledge. H. W. CATER, Cashier.

Sworn to and subscribed before }  
me, this 24th day of January, }  
1861. D. H. WORKMAN, J. P. }

[B]

## CONDITION

*Of the Eastern Bank of Alabama, at Eufaula, Alabama,  
January 2, 1861.*

## ASSETS.

Local bills maturing.....	163,107 42
Bills maturing within 30 days, on Savannah, New Orleans, New York, Apalachicola and Mobile.....	291,793 09
Advances on Cotton.....	70,794 67
Due by other banks.....	1,266 15
“ Agents.....	12,013 80
Real Estate.....	8,500 00
Notes and checks on other banks.....	2,130 00
Expense account.....	2,790 50
Coin in vault. ....	130,000 00
	<hr/>
	\$6,822,395 63

## LIABILITIES.

Stock.....	300,000 00
Profits.....	12,467 79
Due Depositors.....	58,455 08
Reserved Fund.....	26,472 76
Circulation .....	285,009 00
	<hr/>
	\$682,395 63

JOHN McNAB, President.

JNO. HARDY, Cashier,  
By Geo. H. Brown, B. K.

[B]

## CONDITION

*Of the Eastern Bank of Alabama, at Eufaula, Alabama, Jan.  
24, 1861.*

## ASSETS.

Local bills, (all considered good,).....	174,439	00
Loans on call, (to be covered by bills,).....	31,400	82
Due by agents.....	16,007	77
Real estate, Banking house, etc.....	11,000	00
Expense Account.....	3,288	41
Exchange maturing on New York, thirty days.....	33,367	53
Exchange maturing in New Orleans, Apalachicola, Savannah, Mobile and Charleston.....	336,150	68—369,518 21
Advances on cotton in transit to Liverpool .....	73,392	36
“ “ for a market.....	22,427	27
Due by other banks.....	16,843	81

## CASH.

Coin remitted to Governor of Ala- bama, 24th inst.....	35,300	00
Coin on hand.....	89,839	55—125,039 55
Notes and checks on other banks.....	13,498	43
		<hr/>
		\$856,955 63

## LIABILITIES.

Stock.....	300,000	00
Earnings.....	13,109	06
Reserved fund.....	25,959	26
	<hr/>	
	39,068	32
Less dividend No. 4 declared.....	12,000	00—27,068 32
Due depositors.....	142,436	31
Circulation.....	382,983	00
Dividends unclaimed.....	4,468	00
	<hr/>	
		\$856,955 63

THE STATE OF ALABAMA, }  
Barbour County. }

Personally appeared John McNab, President, and John  
Hardy, Cashier of the Eastern Bank of Alabama, and made

oath that the above Statement is just and true, to the best of their belief.

JOHN McNAB, President.

JOHN HARDY, Cashier.

Sworn to and subscribed before }  
me, this 26th day of January, }  
1861. JACK HARDMAN, J. P. }

DIRECTORS :

John Gill Shorter,  
Wm. H. Chambers,  
J. T. Kendall,  
L. F. Johnston,  
Wm. H. Bray,

Wm. H. Thornton,  
Whitfield Clark,  
J. W. Echols,  
Jno. McNab,  
N. M. Hyatt.

[C]

CONDITION

*Of the Commercial Bank of Alabama, December 15, 1860.*

DR.

Exchange on Mobile .....	260,581 45	
“ New York.....	125,000 00	
Bills discounted.....	175,349 77—	560,931 22
Due from banks.....		86,946 76
Expense account.....	4,146 40	
Commission account.....	296 92—	4,443 32
Banking house and lot.....		35,000 00
Specie on hand.....		382,121 39
Notes of other banks.....		4,216 00
		<hr/>
		\$1,073,658 69

CR.

Capital stock. ...	500,000 00	
Profit and loss... ..	96,429 70	
Due depositors.....	6,684 99	
Circulation account.....	470,544 00—	\$1,073,658 69

W. J. NORRIS, President.

THO. C. DANIELS, Cashier.

Mr. Walker, from the Judiciary Committee, reported favorably to the bill to exempt certain persons therein named from serving on jurors.

Mr. Clitherall moved to strike out all that refers to trustees of schools.

Mr. Brown moved to lay the amendment on the table. Lost.

Mr. Clitherall's amendment was adopted.

The bill as amended was read a third time.

Mr. Rice moved to lay it on the table.

The House refused to pass the bill—Yeas 28, nays 37.

YEAS—Messrs. Speaker, Adams, Bowen, Blake, Bradley, Brooks, Bryan, Bush, Chambers, Clitherall, Cooper, Forney, Gibson, Gilchrist, Hobbs, Hubbard, Hudgins, Lane, Lyon, Mabry, Neal, Parsons, Pratt, Tate of Macon, Walden of Morgan, Walker, Whitfield, Woods and Wright.

NAYS—Messrs. Aldridge, Bell, Bibb, Brown, Burgess, Carlyle, Clapp, Clifton, Cowan, Cunningham of Cherokee, Dark, Davidson, Ferrell, Fielder, Fountain, Goldsmith, Herrin of Tallapoosa, Humphries, Jack, Latham, Lloyd, Martin, McMurray, Meadows, Millsap, Musgrove, Overall, Rice, Seale, Shepard, Smith of Coosa, Thomas, Van De Graaff and Walden of Coosa.

Mr. Clitherall introduced a bill to amend the act to incorporate the Southern Express Company, approved February 23d, 1860. Read three several times, under a suspension of the constitutional rule, and passed. Ordered forthwith to the Senate.

Mr. Clitherall moved that all bills passed be forthwith sent to the Senate. Carried.

Message from the Senate.

SENATE, February 8, 1861.

*Mr. Speaker :*

The Senate has passed the following House bills :

For the relief of William A. Nooe ;

For the relief of John H. Norwood and others of Jackson county ;

Declaring Five Rivers a public highway ;

To loan arms and accoutrements to E. W. & J. A. Law ;

To incorporate the Eufaula Home Insurance Company ;

In relation to guardians of idiots, lunatics and persons *non compos mentis* ;

To increase the contingent fund of the State ;

To further secure subordination among slaves ;

To repeal section 1155 of the Code, and to amend the law in relation to overseers of roads;

To amend a certain act therein named in relation to the Alabama Insurance and Exchange Company at Tuskegee;

To authorize John S. Moragne to erect a dam across Big Will's creek;

To provide for the election of certain militia officers of the State of Alabama;

To enable the guardian of Francis M. Brown to remove the guardianship of his said ward to Macon county;

For the relief of R. F. Campbell, Tax Collector of Choctaw county;

To amend section 1045 of the Code in relation to free colored mariners;

To punish sales of liquors to free negroes, and for other purposes;

Joint resolutions for the relief of Thomas Wilson and others of Jackson county;

To amend an act to create a clerkship in the Comptroller's office;

To authorize the appointment of a Branch Pilot for certain waters running into the bay of Mobile;

For the sale of the swamp and overflowed lands of the State of Alabama, and for other purposes;

To amend an act to provide for the military education of two young men from Coosa county in the State of Alabama;

For the relief of Frederica Ludicus, and other persons;

To incorporate the Mobile and Jacksonville Omnibus and Railroad Company;

To amend an act entitled an act to incorporate the Southwestern Railroad Company;

To repeal an act to render more efficient the system of free public schools in the State of Alabama, so far as it relates to the county of Baldwin.

The Senate has amended and passed the House bill to compensate White, Pfister & Co. for stationery.

The Senate has originated and passed the following bills:

To compensate James Hilton of Henry county for certain services rendered the State;

To pay for the hire of servants for the General Assembly and the Convention;

To compensate certain officers therein named;

To pay W. B. & A. R. Bell an account.

The Senate concurs in the amendment of the House to the following bills:

To extend the time for the payment of taxes into the State treasury, and for other purposes ;

To repeal article 33 of section 391 of the Code of Alabama, so far as the same relates to taxation of revolving pistols ;

To remove the administration of the estate of Thomas Green from the county of Winston to the county of Lawrence in this State ;

To fix the times of holding the Circuit Courts in the 4th Judicial Circuit ;

To compensate Wm. Skinner and J. T. Clark.

M. TAUL, Secretary.

Mr. Irby, from the Committee on Ways and Means, reported a substitute for the bill to provide for the destitute poor in the several counties in this State.

Mr. Cooper moved to lay the substitute on the table.

Mr. Lloyd moved to lay the joint resolutions on the table.

The question was first on Mr. Cooper's motion. Lost—Yeas 14, nays 49.

YEAS—Messrs. Aldridge, Bell, Bibb, Calhoun, Clifton, Cooper, Cunningham of Cherokee, Fielder, Hightower, Hubbard, Lloyd, Millsap, Seale and Tate of Macon.

NAYS—Messrs. Speaker, Adams, Bowen, Brooks, Brown, Bryan, Burgess, Bush, Carlyle, Carter, Carey, Chambers, Clitherall, Cowan, Dark, Davidson, Ferrell, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Herrin of Tallapoosa, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Irby, Jack, Lane, Latham, Lyon, Mabry, Martin, McMurray, Meadows, Musgrove, Neal, Pratt, Rice, Smith of Coosa, Thomas, Van De Graaff, Walker, Whitfield, Woods and Wright.

Mr. Lloyd moved to amend as follows :

“That the provisions of this act shall apply alone to Cherokee county.”

Mr. Cooper moved to lay that amendment on the table. Carried.

The substitute was then adopted, read a third time and passed.

Mr. Lyon, from the Committee on Banks, Banking and Currency, asked to be discharged from the further consideration of the bills :

To incorporate the Planters' Union ;

To authorize Books to be opened in the city of Montgom-

ery for subscription to the capital stock of the Bank of Alabama;

To enable the several railroad companies in this State the better to manage the carrying of passengers and of freight upon their respective roads.

The reports were concurred in.

Mr. Lyon, from the same committee, made a similar report with regard to a bill to incorporate the Savings Bank of Mobile. Concurred in.

Mr. Lyon, from the same committee, reported adversely to the Senate bill to repeal an act approved February 24th, 1860, to prevent the Northern Bank of Alabama from paying out the notes of banks of other States.

Mr. Hubbard moved to lay the report on the table. Lost. The report was then concurred in.

Message from the Senate;

SENATE, February 8, 1861.

*Mr. Speaker :*

The Senate has originated and passed a bill to authorize the employment of a clerk in the office of the Inspector General, appointed under the military ordinance of the 19th January, 1861.

M. TAUL, Secretary.

Mr. Martin introduced a bill to authorize the employment of a clerk in the State Treasurer's office. Read once, the constitutional rule suspended and read again, when

Mr. Brown moved to amend by the following additional section :

"Section 2. Be it further enacted, That the annual salary of the Secretary of State shall, from the passage of this act, be sixteen hundred dollars, payable quarterly." Adopted.

The question then being on suspension of the constitutional rule, the vote stood, yeas 45—nays 13.

YEAS—Messrs. Speaker, Adams, Aldridge, Bowen, Blake, Bradley, Brooks, Brown, Bryan, Burgess, Bush, Carlyle, Carter, Carey, Chambers, Clapp, Clitherall, Ferrell, Forney, Gilchrist, Goldsmith, Hobbs, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Hudgins, Irby, Jack, Lyon, Mabry, Martin, Neal, Overall, Pratt, Rice, Shepard, Smith of Coosa, Tate of Macon, Thomas, Van De Graaff, Walker, Whitfield, Woods and Wright.

NAYS—Messrs. Bell, Calhoun, Clifton, Cooper, Cunningham of Cherokee, Fountain, Herrin of Tallapoosa, Herman and Hightower.



The bill was then read a third time and passed.

The Senate bill to compensate certain persons therein named was read three several times under a suspension of the constitutional rule and passed.

The House refused to recede from its action on the House bill to provide for the payment of the members and officers of the General Assembly.

Mr. Speaker Meek (Mr. Clitherall in the chair) moved that the House appoint a committee of conference, which carried, and Messrs. Chambers, Walker and Gilchrist were appointed.

House bill as amended by the Senate, to compensate White, Pfister & Co. was concurred in.

Senate bill to define the duties of Judges of Probate Courts in this State was read once, the constitutional rule suspended, read a second time, and

On motion of Mr. Walker, laid on the table.

The following Senate bills were read three several times under a suspension of the constitutional rule, and passed.

To pay W. B. & A. R. Bell & Co. an account;

To authorize the Commissioners' Court of the counties of Perry and Bibb to provide relief in certain cases;

To regulate the fees of solicitors in certain cases;

To authorize the employment of a clerk in the office of the Adjutant and Inspector General, appointed under the military ordinance of 19th January 1861;

To pay for the hire of servants for the General Assembly and the Convention;

The Senate bill to compensate James Hilton, of Henry county, for certain services rendered the State, was read once, the constitutional rule suspended, read again, and referred to the Committee on Accounts and Claims.

Message from the Senate.

SENATE, February 8th, 1861.

Mr. Speaker:

The Senate has amended the resolution of the House proposing that the two Houses adjourn *sine die* on Monday, the 11th February, at 12 m., by striking out "Monday, the 11th inst." and inserting "Saturday, the 9th inst."

The Senate adheres to its amendment to the House bill to provide for the payment of the members and officers of the General Assembly.

The Senate has amended and passed the House bill explanatory of and supplemental to an act passed at the pres-

ent session entitled an act to regulate Judicial Proceedings, and for other purposes.

The Senate has also originated and passed a bill to regulate the fees of Solicitors in certain State cases; to change the time when Sheriffs elect of the county of Pike shall assume the duties of their office.

M. TAUL, Secretary.

The House proceeded to the consideration of the amendment of the Senate to the House resolution to adjourn on Monday, the 11th inst.

Mr. Hubbard moved that the resolution lie over until tomorrow.

The Senate bill to change the time when the Sheriffs elect of Pike county shall assume the duties of their office was read once, the constitutional rule suspended, read again, when

Mr. Woods moved to amend as follows:

“Provided, This act shall apply only to sheriffs elected for a full term.”

The House concurred in the Senate amendment to the bill explanatory of and supplemental to an act passed at this session entitled an act to regulate Judicial Proceedings, and for other purposes.

Mr. Forney, from the Committee on Corporations reported favorably to bills:

To incorporate the Troy Female College at Troy, Pike county;

To incorporate the Greenville Collegiate Institute, and for other purposes;

Which bills were severally read a third time and passed.

Mr. Woods, from the Committee on the State Capitol, made the following report:

“The Committee on the State Capitol have instructed me to report that they have examined the Capitol building, and find it in a leaky condition; they have also examined the bond of the contractors who recovered the building, together with their contract for executing the same, and find that said contractors, Bare & Johns, bound themselves to put “said cover on in the most approved plan, in good, substantial, workmanlike manner, warranted tight, and free from leaks, and kept in good condition for the term of five years after the completion; approved bond and security to be given for so keeping in order for five years;” that said bond was given and approved. The committee therefore

report the accompanying resolution, and recommend its adoption :

“Resolved, That the Secretary of State be and is hereby instructed to give Bare & Johns notice of the leaky condition of the Capitol building ; and if said Bare & Johns do not at once proceed to put said building in ‘good condition,’ that he institute suit upon their bond.” Adopted.

Mr. Lyon offered the following resolution :

“Resolved, That after this day, no new bill or measure requiring the action of both Houses shall be introduced in this House, and that after this day, no new bill or measure requiring the action of both Houses shall be considered or acted upon, unless such bill or measure originated in one or the other of the two Houses of the General Assembly before the close of the present day’s session.”

The House, on the motion of Mr. Adams, took from the table the bill for the relief of W. D. Perryman, sheriff of Butler county. The bill was read a third time and passed. Yeas 30—nays 22.

YEAS—Messrs. Adams, Blake, Bradley, Brooks, Brown, Bryan, Bush, Carey, Clifton, Clitherall, Cunningham of Cherokee, Dark, Davidson, Forney, Gilchrist, Herman, Humphries, Lloyd, Meadows, Millsap, Neal, Pratt, Walden of Coosa, Walden of Morgan, and Wright.

NAYS—Messrs. Speaker, Aldridge, Bell, Bowen, Burgess, Calhoun, Carlyle, Clapp, Cowan, Ferrell, Fountain, Gibson, Hightower, Humphries, Lloyd, Meadows, Millsap, Neal, Pratt, Walden of Coosa, Walden of Morgan, and Wright.

Message from the Senate.

SENATE, February 8th, 1861.

*Mr. Speaker :*

The President has appointed Messrs. Bullock, Bynum and Patton on the Committee of Conference on the part of the Senate, to consider the amendment to the bill to provide for the payment of the members and officers of the General Assembly.

M. TAUL, Secretary.

Report from the Committee on Enrolled Bills:

The Committee on Enrolled Bills respectfully report, that they have examined bills of the following titles (numbered from 72 to 105, inclusive,) and find them correctly enrolled :

An act for the relief of Frederica Ludicus, and for other purposes ;

An act to authorize the Commissioners’ Court of Coosa

county to issue bonds of said county for the relief of suffering citizens of said county ;

An act to regulate judicial proceedings, and for other purposes ;

An act to incorporate the Chulafinnee Academy in Randolph county ;

An act to secure the rights of Patentees and Authors and their assignees in the State of Alabama ;

An act for the relief of W. C. Perriek ;

An act to incorporate the Mechanics' Aid Association of Selma ;

An act to change the time of holding the Chancery Courts of the fourth and fifth Districts of the Southern Division of Alabama ;

An act to promote military efficiency, and for other purposes ;

An act to incorporate Mobile Omnibus and Railroad Company ;

An act to amend section 1045 of the Code in relation to free colored mariners ;

An act to be entitled an act for the sale of the swamp and overflowed lands of Alabama, and for other purposes ;

An act to amend act to provide for the military education of two young men from each county in this State ;

An act to incorporate the Eufaula Home Insurance Company ;

An act in relation to guardians of idiots, lunatics and persons *non compos mentis* ;

An act for the relief of William A. Nooe ;

An act to increase the contingent fund of the State ;

An act declaring Five Rivers to be a public highway ;

An act to enable the guardian of Francis M. Brown to remove the guardianship of his said ward to Macon county ;

An act for the relief of R. F. Campbell, tax collector of Choctaw county ;

An act for the relief Thomas Wilson and others of Jackson county ;

An act to amend an act to create a clerkship in the Comptroller's office ;

An act to authorize the appointment of a Branch Pilot for certain waters running into the bay of Mobile ;

An act to authorize the Governor to issue Treasury Notes ;

An act to punish sales of liquors to free negroes, and for other purposes ;

An act to amend a certain act therein named in relation to the Alabama Insurance Company of Tuskegee;

An act to further secure subordination among slaves;

An act to loan arms and accoutrements to E. M. & J. A. Law;

An act to authorize John S. Moragne to erect a dam across Big Will's creek;

Joint resolutions for the relief of John H. Norwood and others of Jackson county;

An act to provide for the election of certain militia officers of the State of Alabama;

An act to repeal section 1155 of the Code, and to amend the law in relation to overseers of roads;

An act to repeal an act to render more efficient the system of free public schools, so far as it relates to the county of Baldwin;

An act to amend an act entitled an act to incorporate the South-western Railroad Company.

Mr. Cowan, from the Committee on Accounts and Claims, reported favorably to the bill to compensate B. B. Davis of the city of Montgomery, which was read three several times, under a suspension of the constitutional rule, and passed.

Mr. Bowen, from the Committee on Ways and Means, reported adversely to the bill to amend an act approved February 24th, 1860. Concurred in.

M. Chambers introduced a bill for the relief of George Gray.

Mr. Cunningham of Cherokee introduced a bill to repeal an act to make Nathan Knox of Cherokee county a citizen of Benton county.

Which bills were read three several times, under a suspension of the constitutional rule, and passed.

The Joint Committee from the two Houses reported as follows :

The Joint Committee of Conference of the two Houses on the Senate amendment to the House bill to provide for the payment of the members and officers of the General Assembly, have met and considered the disagreement between the two Houses in respect to said amendment, and instruct me to report the accompanying amendment in lieu of that adopted by the Senate, and recommend the adoption of the same.

PERCY WALKER

Chairman on the part of the House.

The House adopted the amendment reported by the Committee.

Mr. Rice moved to reconsider the vote by which the House refused to pass the Senate bill to exempt certain persons from serving on juries. Carried.

The bill was then read a third time and passed.

Mr. Walker moved to reconsider the vote upon the passage of that bill and lay that motion on the table. Carried.

Message from the Senate.

SENATE, February 8, 1861.

*Mr. Speaker :*

The Senate has passed the House bill to authorize the employment of a clerk in the State Treasurer's office.

The Senate has originated and passed a bill to authorize the Commissioners' Court of the counties of Perry and Bibb to provide relief in certain cases.

The Senate has passed the bill for the relief of W. D. Perryman, Sheriff of Butler county.

The Senate concurs in the amendment of the Committee of Conference on the part of the two Houses upon the bill to provide for the payment of the members and officers of the General Assembly.

M. TAUL, Secretary.

Mr. Irby, from the Committee on Military Affairs, made the following report :

We have examined and tested the muskets, commonly known as the "George Law Gun," purchased by Col. James R. Powell, for the State of Alabama.

They are simply United States flint muskets, changed to percussion, rifled and fitted with elevating sights.

The questions to be determined were, had the efficiency of the gun been impaired, or its safety diminished or destroyed by the change it had undergone. Some experiments had already been made with several of the guns before the appointment of the committee. It was deemed best, however, to procure an additional number from the arsenal, and four were taken indiscriminately from a newly opened box by Mr. Clayton, chairman of the committee appointed by the House of Representatives, and Mr. DuVal.

On Friday afternoon, January 19th, six of the muskets were fired, off-hand, at a target three feet square, anchored in the river at a distance of *eleven* and *fourteen* hundred yards. None of the balls fell short; and, although their deviation could not be determined with precision, it was so slight as to satisfy the committee as to the unusual accuracy and efficiency of the guns at long range. In the opinion of the

committee the greatest lateral deviation was not more than twenty feet, and the average deviation less than five, although a number of shots were fired by persons entirely unaccustomed to the elevating sights. A Sharpe's rifle, a Mississippi rifle, and an ordinary percussion musket were also fired, but with results not so satisfactory either as to their range or accuracy.

On the Saturday and Monday following, the barrels of six of the guns were subjected to proof. The test prescribed in the Ordnance Manual for muskets is the following:

1st Charge: 1-18 lb. of powder, 1 ball 1-15 lb., 0.676 inches in diameter, two wads 4 inches square.

2d Charge: 1-22 lb. of powder, ball and wads as in the first. Musket powder is to be used for the barrels of muskets, and musketoons and rifle powder for all others. Musket powder is estimated to be 15 per cent. or 20 per cent. weaker than rifle or sporting powder. The ordinary charge for a musket is about 80 grains; 1-18 of a pound is 388 grains Avoirdupois, 1-22 is 318 grains; making the first charge nearly five, the second nearly four times the ordinary charge. The powder used on these occasions was, however, rifle and sporting powder, thus materially increasing the severity of the test, as no diminution in the quantity of powder used was made by the committee. None of the barrels burst, nor were injured by the test. One of them was afterwards fired by Dr. Ware, loaded with a double charge of powder and two Minnie balls.

Two others of those thus tested were subsequently fired by members of the committees at a target one hundred and twenty yards distant with results that satisfied them as to their accuracy at short distances. The force with which they threw the ball was demonstrated by a shot made by Mr. Percy Walker, the ball passed entirely through a gum tree six and seven-eighths in diameter, at a distance of one hundred yards.

The committee, therefore, report that in range and accuracy these guns are superior to the ordinary musket, and compared favorably with other rifled guns, and that they found no reason to induce them to believe that their strength or safety had been impaired by rifling.

Considering the peculiar circumstances surrounding us, and the great difficulty in procuring arms, they regard it as fortunate that so effective a weapon is in the possession of the State for distribution.

T. E. IRBY,  
R. D. HUCKABEE.

Mr. Clitherall moved that the report be printed in the "Montgomery Advertiser," to be paid for at the usual rates of advertising. Carried.

Mr. Clitherall introduced a bill to provide for certain expenses in preparing the Acts and Journals of the present session, and distribution of the same. Read three several times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Gibson, the House adjourned till tomorrow morning at 10 o'clock.

HOUSE OF REPRESENTATIVES, }  
February 9, 1861. }

House met pursuant to adjournment.

Reading of the journal was dispensed with.

Mr. Speaker laid before the House a record of divorce—Bobbitt from Bobbitt.

Message from the Senate:

SENATE, February 9, 1861.

*Mr. Speaker :*

The Senate has amended and passed the House bill for the relief of the volunteer companies of Barbour and Wilcox and other counties therein named.

The Senate adheres to its amendment to the bill to compensate White, Pfister & Co. for stationery.

M. TAUL, Secretary.

The House refused to concur in the Senate amendment to the House bill for the relief of the Volunteer Companies of Barbour, and Wilcox, and other counties therein named.

Message from the Governor.

*Mr. Speaker :*

His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act to induce railroad companies in this State to carry troops and munitions of war free of charge;

An act to incorporate the North Alabama Railroad Company;

An act to amend section 2813 of the Code;

An act to incorporate Ingram Academy, in Russell county;

An act to regulate the practice of the Supreme Court;

An act to increase the Contingent Fund of the State;

An act to amend an act to create a Clerkship in the Comptroller's Office;



Joint resolution for the relief of Thomas Wilson, and others, of Jackson county;

An act for the relief of R. F. Campbell, Tax Collector of Choctaw county;

An act to enable the Guardian of Francis M. Brown to move the Guardianship of his said Ward to Macon county;

An act to lend Arms and Accoutrements to E. M. & J. A. Law;

An act to further secure Subordination among Slaves;

An act to punish sales of liquors to free negroes, and for other purposes;

An act to authorize the the appointment of a branch pilot for certain waters running into the Bay of Mobile;

An act to amend an act therein named, in relation to the Alabama Insurance and Exchange Company at Tuskegee;

An act authorizing the Governor to issue Treasury Notes;

An act to amend an act entitled an act to incorporate the Southwestern Railroad Company;

An act to repeal an act to render more efficient the system of Free Public Schools, so far as it relates to the county of Baldwin;

An act to repeal section 1155 of the Code, and to amend the law in relation to Overseers of Roads;

An act to provide for the Election of certain Militia Officers of the State of Alabama;

An act for the relief of John H. Norwood, and others, of Jackson county;

An act to authorize John S. Moragne to erect a dam across Big Will's Creek;

An act for the relief of Frederica Ludicus, and other persons;

An act declaring Five Runs a public highway;

An act for the sale of the Swamp and Overflowed Lands of the State of Alabama, and for other purposes;

An act in relation to Guardians of Idiots, Lunatics, and persons, *non compos mentis*;

An act for the relief of William A. Nooe;

An act to amend an act to provide for the Military Education of two young men from each county in the State of Alabama;

An act to incorporate the Eufaula Home Insurance Company;

An act to amend section 1045 of the Code, in relation to Free Colored Mariners;

An act to change the time of holding the Courts in the

**Fourth and Fifth Districts of the Southern Chancery Divisions;**

An act to secure the rights of Patentees and Authors, and their Assignees, in the State of Alabama;

An act to incorporate the Mechanics' Aid Association of Selma;

An act for the relief of W. C. Penick;

An act to authorize the Commissioners' Court of Coosa county to issue Bonds of said county for the relief of suffering citizens of said county;

An act to incorporate the Chulafinnee Academy, in Randolph county;

An act to incorporate the Mobile and Jackson Omnibus and Railroad Company;

An act to regulate Judicial Proceedings, and for other purposes;

An act to promote Military Efficiency, and for other purposes;

An act for the relief of W. D. Perryman, Sheriff of Butler county;

An act to authorize the employment of a Clerk in the State Treasurer's Office;

An act to provide for the payment of the members and officers of the General Assembly;

An act explanatory of and supplemental to an act passed at the present session, entitled an act to regulate Judicial Proceedings, and for other purposes.

WATKINS PHELAN,

Private Secretary.

Message from the Governor.

*Mr. Speaker:*

His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act to amend an act to incorporate the Southern Express Company;

An act to compensate White, Pfister & Co., for stationery.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Abney, Adams, Aldridge, Bibb, Bowen, Blake, Bradley, Brooks, Brown, Burgess, Bush, Carlyle, Carter, Clitherall, Clifton, Cooper, Cunningham of Cherokee, Ferrell, Fielder, Forney, Gilchrist, Hale, Herrin of Tallapoosa, Herman, Hightower, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Jack, Lane, Latham,

Lloyd, McMurray, Meadows, Musgrove, Pratt, Rice, Scott, Smith of Coosa, Walden of Coosa, Walden of Morgan, Walker, Whitfield, Woods and Wright—49.

The House recedes from its action on the amendment of the Senate to the bill to compensate White, Pfister & Co., for stationery.

The House proceeded to the consideration of the House bill to adjourn *sine die* at 12 o'clock on Saturday, the 9th inst., as amended by the Senate.

On motion of Mr. Walker, 12 o'clock M. was stricken out, and 2 o'clock M. inserted. The resolution as amended was then adopted.

Mr. Cooper offered the following resolution :

Resolved, That the Secretary of State be required forthwith to cause three thousand copies of the act to regulate Judicial Proceedings, and for other purposes, together with the supplemental act thereto, to be printed and distributed equally among the representatives and Senators of this General Assembly, and forwarded to their respective addresses per mail. Adopted.

Mr. Walker offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker, to act with a like committee on the part of the Senate, to wait upon the Governor and inform him that the two Houses having finished the business before them, are now ready to adjourn *sine die*, unless he has some further communication to lay before them. Adopted, and Messrs. Walker, Scott and Brown compose the committee on the the House.

Message from the Governor.

EXECUTIVE DEPARTMENT,  
Montgomery, Feb. 9th, 1861. }

*Gentlemen of the House of Representatives :*

A bill to be entitled an act to amend an act to incorporate the Southern Express Company has been approved by me. Yet, I feel it my duty to accompany this approval with a protest against all incorporations of this character, giving to those who patronize such companies no further security than the amount of the stock subscribed.

I deem it my duty to confine the exercise of the veto power to acts considered unconstitutional by me, or showing hasty or inconsiderate legislation. There is nothing unconstitutional in this act, nor can I undertake to say that the

legislation has been hasty or inconsiderate; yet, I deem the act unwise and unsafe, and not calculated to promote the public interests. Very respectfully,

A. B. MOORE.

Mr. Lane, from the Committee on Accounts and Claims, reported favorably to the bill to compensate James Hilton of Henry county for certain services rendered the State. Read a third time and passed. Ordered forthwith to the Senate.

Mr. Brown offered the following resolution:

Resolved, That the thanks of this House are hereby returned to the Speaker and other officers of the House for their impartial, faithful and satisfactory discharge of duty during the present session. Unanimously adopted.

The Senate bill for the election of officers of certain volunteer companies was read three several times, under a suspension of the constitutional rule, and passed.

Message from the Senate.

SENATE, February 9, 1861.

*Mr. Speaker :*

The Senate concurs in the amendment made by the House to the resolution to adjourn *sine die* on Saturday at 2 o'clock P. M.

The Senate has originated the following bill:

For the election of officers in certain volunteer companies.

M. TAUL, Secretary.

Message from the Senate.

SENATE, February 9, 1861.

*Mr. Speaker :*

The Senate concurs in the resolution of the House appointing a committee from each House to wait upon the Governor to inform him that they are now ready to adjourn *sine die*, unless he has some further communication to lay before them, and appoint Messrs. Bullock, Bynum and Brown committee on the part of the Senate.

M. TAUL, Secretary.

Mr. Gibson, from the Committee on Enrolled Bills, reported the following bills correctly enrolled:

An act for the relief of W. D. Perryman, Sheriff of Butler county ;

An act to authorize the employment of a clerk in the State Treasurer's office ;

An act explanatory of and supplemental to an act passed at the present session, entitled an act to regulate judicial proceedings, and for other purposes;

An act to provide for the payment of the members and officers of the General Assembly;

An act to amend an act to incorporate the Southern Express Company;

An act to compensate White, Pfister & Co. for stationery.

Mr. Walker, from the Joint Committee of the two Houses to wait upon the Governor, made the following report:

*Mr. Speaker :*

The committee on the part of the House, with a like committee on the part of the Senate, to wait upon the Governor and inform him that the two Houses, having finished the business before them, are now ready to adjourn *sine die* unless he has some further communication to lay before them, beg leave to report they have discharged that duty, and that the Governor has nothing further to communicate.

When the hour of adjournment arrived, Mr. Speaker Meek arose and returned thanks in a feeling, eloquent and appropriate manner, bade the members farewell, and pronounced the House adjourned *sine die*.

A. B. MEEK,

Speaker of the House of Representatives.

Attest:

ALBERT ELMORE, Clerk.

Montgomery, Ala., February 9, 1861,

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